

1 MILBERG WEISS BERSHAD
HYNES & LERACH LLP
2 WILLIAM S. LERACH (68581)
FRANK J. JANECEK, JR. (156306)
3 MICHAEL J. DOWD (135628)
STEPHEN P. POLAPINK (177489)
4 JONAH H. GOLDSTEIN (193777)
401 B Street, Suite 1700
5 San Diego, CA 92101
Telephone: 619/231-1058
6 619/231-7423 (fax)

- and -

7 PATRICK J. COUGHLIN (111070)
EX KANO S. SAMS II (192936)
8 JASON T. BAKER (212380)
100 Pine Street, Suite 2600
9 San Francisco, CA 94111
Telephone: 415/288-4545
10 415/288-4534 (fax)

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP
ROBERT J. NELSON (132797)
RICHARD M. FRANCO (170970)
275 Battery Street, 30th Floor
San Francisco, CA 94111-9333
Telephone: 415/956-1000
415/956-1008 (fax)

Attorneys for The People of the State of California, et al.

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SUPERIOR COURT OF CALIFORNIA

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COUNTY OF SAN DIEGO

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Coordination Proceeding Special Title (Rule
1550(b))

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4095

16

FIREARM CASE

San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

17

Including actions:

18

*People, et al. v. Arcadia Machine & Tool, Inc., et
al.*

DECLARATION OF ROBERT A.
RICKER IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANT
MANUFACTURERS' MOTION FOR
SUMMARY JUDGMENT

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*People, et al. v. Arcadia Machine & Tool, Inc., et
al.*

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*People, et al. v. Arcadia Machine & Tool, Inc., et
al.*

Date: March 7, 2003
Time: 8:30 a.m.
Dept: 65

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Hon. Vincent P. DiFiglia

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I, ROBERT A. RICKER, declare as follows:

1. I am the former Director of Government Affairs, and later Executive Director, of the American Shooting Sports Council (ASSC), a trade association defendant in the above-captioned litigation. During the period of my service at ASSC, it was the leading organization representing the interests of the gun industry in legislative and policy-making forums. Through my work for ASSC and in various other positions that preceded it, for over eighteen years I devoted a substantial portion of my professional life to representing the interests of firearms owners, manufacturers, distributors and dealers.

2. After earning a law degree from The George Mason University School of Law and working in private law practice for approximately four years, I began my work on firearms issues in 1981, as an Assistant General Counsel for the National Rifle Association (NRA) in Washington, D.C. The NRA has long been the most powerful organization in the nation working to oppose legislative and regulatory restrictions on the manufacture, sales and ownership of firearms. The focus of my legal work at the NRA involved three areas. First, I handled all political law matters involving the NRA's political action committee, the NRA/Political Victory Fund (NRA/PVF). The NRA/PVF uses the substantial financial resources of the NRA to support the election of candidates opposing strong gun laws and the defeat of candidates who support such laws. Second, I handled various legal matters for the NRA's Institute for Legislative Action (ILA), which involved, among other things, the drafting and analysis of legislative proposals advanced by NRA at the federal and state level. Third, I supervised outside counsel representing ILA in pending litigation in both federal and state court.

3. In 1983, I left the NRA's legal staff and moved to California, where I took a position with the California Wildlife Federation, which at that time, directed all lobbying activities in California for the California Rifle and Pistol Association (CRPA), the official state affiliate organization for the NRA. During that period, on behalf of Sturm, Ruger & Co., CRPA and the NRA, I helped write, and directed the lobbying efforts to pass, the nation's first state statute

1 protecting the firearm industry from certain firearm product liability lawsuits. This effort was
2 successful and the legislation was signed into law in 1983 and codified as section 1714.4 of the
3 California Civil Code. Last year, following the California Supreme Court's decision in *Merrill, et. al*
4 *v. Navegar, Inc.*, section 1714.4 was repealed by the California legislature.

5 4. After returning to private law practice in late 1984, I served briefly as an outside
6 counsel to the NRA in certain matters pending before the Federal Election Commission. In 1985,
7 I was hired by the founder of Gun Owners of California, former state Senator H.L. Richardson, to
8 direct his Law and Order Campaign Committee, a California political action committee that
9 campaigned to prevent the reconfirmation of California Supreme Court Justice Rose Bird and two
10 other California Supreme Court Justices. Gun Owners of California opposed Chief Justice Bird
11 because of her perceived support for strong gun controls, as well as her opposition to the death
12 penalty. Following the successful effort against Chief Justice Bird, I worked for several years for
13 the California State Legislature. First, I served as a Special Assistant to the Republican Leader of
14 the California State Assembly, Pat Nolan (R-Glendale), where I handled, among other issues,
15 firearms legislation for the Assembly Republican Caucus. Later, I worked as Chief of Staff to
16 Assemblyman Chris Chandler (R-Yuba City), where I handled a wide variety of legislative issues,
17 including firearms.

18 5. From 1991 through 1997, I maintained my own lobbying practice in Sacramento,
19 California representing the interests of firearm industry clients before the California legislature and
20 several other state legislatures. Among my clients were various individual firearm manufacturers,
21 including California-based manufacturers. I also represented the Citizens Committee for the Right
22 to Keep and Bear Arms and the National Alliance of Stocking Gun Dealers. However, my primary
23 client was the American Shooting Sports Council, Inc. (ASSC). The ASSC was the largest and most
24 influential industry trade association lobbying on behalf of the firearm industry in California and
25 elsewhere. The membership of the ASSC included virtually all the major gun manufacturers and
26 distributors, including most of the defendants in this action. In 1997, I returned to the Washington,
27 D.C. area to take a position as ASSC's Director of Government Affairs, with responsibility of

1 managing the organization's national legislative advocacy and regulatory program. From 1991-1999,
2 during my period of work for the ASSC, I was a spokesperson for the association in the media as
3 well as in Congress and state legislatures. In March of 1999, I became Executive Director of the
4 ASSC. In June of 1999, the ASSC was merged into and became a part of the National Shooting
5 Sports Foundation (NSSF). Although I strongly believe that law-abiding citizens have the
6 constitutional right to keep and bear arms, it is my view that the firearm industry should take greater
7 responsibility for instituting reforms of its business practices to guard against the acquisition of
8 firearms by children, felons and other prohibited persons. I believe such reforms would greatly
9 benefit the industry and the public at large. During the merger negotiations with NSSF it became
10 clear that my views were not compatible with views of certain individuals, companies and consumer
11 organizations that controlled NSSF. On July 1, 1999, I resigned as Executive Director of ASSC.

12 6. In connection with my long-time work as a legislative advocate for the firearm
13 industry, I have had regular personal contact with virtually all of the major gun manufacturers and
14 distributors, including most of the defendants in this action. During the period 1991-99, I attended
15 all ASSC Board of Directors meetings, in which such companies as Taurus, Smith & Wesson, Glock,
16 Colt and RSR Wholesale Guns, Inc. were represented. I also assisted ASSC staff in organizing
17 annual lobbying "fly-ins" to Washington D.C., in which virtually all leading industry executive
18 participated in visits to key Congressional offices. I also arranged, and attended meetings between
19 industry representatives and the Bureau of Alcohol, Tobacco and Firearms and met regularly with
20 senior staff of the Firearm Division of the California Department of Justice. With ASSC Executive
21 Director Richard Feldman, I made several trips per year to visit various firearm manufacturers and
22 distributors. For example, during this period I visited the manufacturing facilities of Sturm, Ruger,
23 Heckler & Koch, Taurus, Lorcin and Glock (both in Austria and the U.S.) and the facilities of
24 distributors RSR Wholesale Guns, ACCU Sport, Davidson's and Interarms. I also had daily
25 telephone conversations with gun industry executives.

26 7. During the entire period of my work for ASSC, I was regularly asked by industry
27 members to assess the likely impact of proposed legislative, regulatory and policy proposals on the

1 manufacture and sale of firearms and to assist in the development and advocacy of industry positions
2 concerning those proposals. Many of those proposals concerned the movement of guns from the
3 industry's lawful distribution channels into the illegal market. As a result of this work, I have
4 acquired extensive knowledge of the system by which the firearm industry distributes firearms,
5 including the relationships between manufacturers, distributors and dealers. I also acquired extensive
6 knowledge of California and federal firearms laws and regulations. I have participated in countless
7 meetings and discussions with industry members in which movement of guns from the industry's
8 legal distribution system to the illegal market was discussed. I have also represented industry
9 interests on several advisory panels formed by two different California Attorneys General to assist
10 in the implementation of regulatory schemes involving such issues as implementation of California's
11 assault weapons statute, the Basic Firearm Safety Certificate Program and California's handgun and
12 safety lock testing program.

13 8. The firearm industry, including the defendants in this action, has long known that the
14 diversion of firearms from legal channels of commerce to the illegal black market in California and
15 elsewhere, occurs principally at the distributor/dealer level. Many of those firearms pass quickly
16 from licensed dealers to juveniles and criminals through such avenues as straw sales, large-volume
17 sales to gun traffickers and various other channels by corrupt dealers or distributors who go to great
18 lengths to avoid detection by law enforcement authorities. Leaders in the industry have long known
19 that greater industry action to prevent illegal transactions is possible and would curb the supply of
20 firearms to the illegal market. However, until faced with a serious threat of civil liability for past
21 conduct, leaders in the industry have consistently resisted taking constructive voluntary action to
22 prevent firearms from ending up in the illegal gun market and have sought to silence others within
23 the industry who have advocated reform.

24 9. During the entire time I represented the firearm industry through my work for the
25 ASSC, it was widely known within the industry that straw purchases, often of large volumes of
26 guns, were a primary avenue by which a relatively small number of federally licensed firearm dealers
27 supplied the criminal market. A straw purchase involves a buyer with a "clean" record purchasing

1 a gun for someone who is prohibited by law from acquiring firearms. It has long been known in the
2 industry that many straw purchases or other questionable sales could be stopped by dealers who
3 are adequately trained and schooled in preventing illegal activity. However, without the proper
4 training and commitment to responsible business practices, some dealers are responsible for straw
5 sales going forward, undetected by law enforcement and regulatory authorities. Instead of requiring
6 dealers to be proactive and properly trained in an effort to stop questionable sales, it has been a
7 common practice of gun manufacturers and distributors to adopt a "see-no-evil, hear-no-evil, speak-
8 no-evil" approach. This type of policy encourages a culture of evasion of firearms laws and
9 regulations.

10 10. The firearm industry has long known that gun traffickers often acquire firearms
11 through multiple or large-volume purchases from licensed dealers. Because of the inherently
12 suspicious nature of such sales, a special federal reporting requirement for multiple sales exists at the
13 dealer level. Although the industry knows of the special reporting requirements, and that
14 unscrupulous dealers generally fail to report multiple sales, it has long been industry policy not to
15 question or monitor such sales. Due to the passage of a state law in 1993 in Virginia barring the
16 purchase of more than one-handgun-per-month to curb gun trafficking from Virginia gun shops,
17 Richard Feldman and I suggested that the ASSC Board consider a more practical approach for the
18 firearm industry to monitor multiple purchases in order to further prevent illegal sales. Although the
19 ASSC Board discussed this issue at length, it did not take action on the matter until 1998, and only
20 after then-Mayor Ed Rendell of Philadelphia threatened legal action against the industry because of
21 a refusal to consider supporting a national one-gun-a-month law. To my knowledge, however, the
22 industry has taken no voluntary action to address this issue and more fully monitor dealer activity
23 involving large volume sales to individual buyers.

24 11. Firearm manufacturers and distributors have long known that the current firearm
25 distribution system encourages and rewards illegal activity by a few corrupt dealers and distributors.
26 Lawful and conscientious dealers are at a distinct economic disadvantage under the current system.
27 Manufacturers and distributors, including the defendants in this action, have been advised by myself

1 and others, many times, that the industry will be destroyed unless it adopts proactive measures to
2 stop the supply of firearms to corrupt "store-front" and "kitchen table" dealers, who use a multitude
3 of secretive means to funnel guns to illegal buyers without detection by law enforcement. Some in
4 the industry, including myself, believed that industry practices and policies needed a "self-
5 examination" and evaluation in light of new government reports indicating a dramatic increase in the
6 use of guns in crime. Extensive industry analysis and discussion of these issues occurred at several
7 high level "Planning Meetings" which were sponsored by the ASSC Board of Directors and held
8 during the time I represented the organization. One such planning meeting, which I attended, took
9 place in Atlanta in 1994. The meeting was planned, moderated and conducted by executives of the
10 Eddie Mahe Company, a well-known political consulting and public affairs company headquartered
11 in Washington, D.C. that was under contract with the ASSC. The meeting was attended by members
12 of the ASSC Board of Directors including Ed Schultz, CEO of Smith & Wesson, Bruce Savane, CEO
13 of Taurus, Allen Mossberg and Georgia Nichols of O.F. Mossberg & Sons, Ron Whitacker, CEO of
14 Colt's, Gene Lumsden, Director of Marketing for Interarms, Michael Saporito of RSR Wholesale
15 Guns, Steve Ottway of Heckler & Koch, Bill Bridgewater, a licensed firearm dealer and Executive
16 Director of the National Alliance of Stocking Gun Dealers (NASGD) and other industry executives.
17 At that time, NASGD represented 8,000 of the nation's largest and most successful firearm retailers,
18 distributors and manufacturers. Many of the NASGD members were also members of ASSC, NSSF
19 and SAAMI. During the weeks preceding the Eddie Mahe planning meeting, I had several in-depth
20 discussions with Mr. Bridgewater about the upcoming meeting and his intention to raise important
21 issues that were the subject of an editorial he had recently written that appeared in the February
22 1994 edition of *The Alliance Voice*, the widely circulated official publication of the NASGD. In that
23 editorial, Bridgewater wrote:

24 Let us quit pretending that we don't realize that a majority of the gun shows
25 in this country are black market outlets to the criminal trade. Let us quit pretending
26 that we don't know that a big chunk of the "FFL-Holders" have the licenses in their
27 pocket as nothing more than access to firearms at quantities and prices that will allow
them to be successful in the firearms black market.

I suggest to you that we are and have been a part of the problem. I suggest
to you that we had better start becoming part of the solution in the very near future

1 or those who share the Brady's simple-minded views will have us all shut down.

2 If we don't start educating our own police, city council, state and federal
3 representatives, you can bet your wallet that we will be surely be thrown out as the
4 problem. If we don't separate ourselves from those who do divert firearms into the
5 black market, we will be shut down in their name.

6 These "licensees" who engage in the black market are perceived as no different
7 than you and me by the general public, and certainly by law enforcement and the
8 media. That is our fault for sitting quietly and saying nothing, knowing full well that
9 there are felons hidden among us.

10 You may continue to help shield these folks who operate this firearms black
11 market among us and you will surely go down the drain with them whenever the
12 public gets tired of every snot-nosed 13-year old poking a gun in its face and
13 demands draconian action.

14 * * *

15 It is really your choice – do something about the felons among you who
16 disguise themselves as legitimate businesses or die with them because their excesses
17 are intolerable to our society."

18 *See* Notice of Lodgment ("NOL"), Ex. 89 at PLTF102472 (emphasis in original). At the planning
19 meeting, Mr. Bridgewater, in very strong terms, urged the manufacturers and distributors to
20 voluntarily adopt programs to "deal" with the issue of gun show dealers and corrupt dealers and
21 distributors. He expressed the view that it is not good enough for the manufacturers and distributors
22 to simply sell guns through anyone who possessed a federal firearms license (FFL) and ignore
23 opportunities to voluntarily work with established "stocking" dealers and industry regulators to stop
24 the illegal trade in firearms.

25 12. Despite the warnings of Mr. Bridgewater and others, many manufacturers and
26 distributors consistently refuse to address the problem of the "felons among us." They instead hide
27 behind the fiction that as long as a retail dealer has a valid federal firearms license to sell guns, no
attention to the dealer's business practices is required by its suppliers. Many manufacturers and
distributors ignore the consequences of continuing to supply firearms to any dealer with a federal
license, regardless of whether that dealer may be selling guns into the illegal market. In January of
1995, the ASSC annual members meeting was held in Las Vegas, Nevada, in conjunction with the
NSSF's Shooting and Hunting Outdoor Trade (SHOT) show. The board seat on the ASSC Board

1 of Directors held by Bill Bridgewater was up for reelection at that meeting. Due to pressure from
2 influential SAAMI companies that were being solicited for membership in ASSC, Richard Feldman
3 had been warned not to re-nominate Bridgewater for a seat on the ASSC Board. Certain SAAMI
4 members thought Bridgewater's views were "too controversial." I was asked by Feldman to meet
5 with Bridgewater and explain that his assertions regarding the "firearms black market" and crime gun
6 sources had angered key industry and NRA leaders. I was instructed to explain that if he were to
7 continue on the ASSC Board, the future of ASSC would be in doubt. The meeting with Bridgewater
8 was personally very difficult for me. Bridgewater was a prime mover in the establishment of ASSC
9 as a leading industry trade association and believed, very strongly in the principles it stood for. The
10 news of Feldman's decision was not welcomed by Bridgewater, however, "for the good of the
11 organization" he voluntarily gave up his seat on the ASSC Board "without a fight." Although he
12 continued as Executive Director of the NASGD until his untimely death in 1997, his clout within the
13 industry had been severely diminished. At that time, Michael Saporito, Chairman of the Board of
14 ASSC warned Feldman that if he gave into the whims of certain SAAMI members, it would not be
15 long before those same individuals would "get" Feldman.

16 13. The firearm industry, including the defendants in this action, has long known that
17 ATF is hampered in its enforcement efforts by inadequate resources and constraints in federal law
18 on its ability to crack down on corrupt dealers. For example, ATF is limited by statute to one
19 unannounced inspection of a dealer per year and must show "willful" violations of law in order to
20 revoke a dealer's license. The industry asserts that curbing sales of guns to the illegal market is
21 ATF's responsibility, at the same time the industry knows that ATF cannot do this job effectively.
22 Without independent action by all segments of the industry to address the flow of guns from
23 corrupt dealers, distributors and gun shows into the illegal market, ATF will continue to fight a losing
24 battle against illegal gun traffickers. For example, in April of 1994, many leaders in the industry and
25 the NRA were stunned when *The Alliance Voice* reported a historic meeting between then-Secretary
26 of the Treasury, Lloyd Bentsen, and Bill Bridgewater. Also present at the meeting were
27 representatives of The Collectors and Arms Dealers Association, The Fraternal Order of Police, The

1 National Association of Police Organization, The Federal Law Enforcement Officers Association and
2 the International Association of the Chiefs of Police. At that meeting, those present acknowledged,
3 in writing, that within the firearm industry there are elements who divert the flow of firearms from
4 the legitimate trade into the more lucrative firearms black market, there are gun licensees, who
5 through willful, negligent or irresponsible actions contribute to the illicit gun market and undermine
6 those businesses which carefully adhere to the letter of the law and that ATF's regulatory authority
7 is hampered by insufficient resources and inadequate statutory authority. NOL, Ex. 89. The joint
8 statement went on to call for reforms in the FFL system, including increasing licensing fees to pay
9 for enforcement efforts, requiring FFLs to be in compliance with all state and local laws and
10 ordinances, requiring licensees to timely report lost and stolen firearms, removing the statutory
11 prohibition on ATF conducting more than one compliance visit per FFL per year, increasing
12 penalties for willful falsification of records and supporting any initiative in the pending "crime bill"
13 that would improve ATF's ability to enforce firearm laws and address the "illicit firearms market".
14 Bridgewater was severely criticized by segments of the industry and the NRA for participating in
15 the event. To this day, most of those reforms called for in the document are yet to be implemented.

16 14. Firearm manufacturers have long been aware that the number of ATF crime gun traces
17 associated with a particular dealer can be an important indicator that illegal gun trafficking is
18 occurring. In 1996, for example, I became a participant in the ATF's Firearms Industry Discussion
19 Group. ATF and representatives from ASSC, SAAMI, NRA and other industry groups were to
20 meet periodically to develop a joint industry/law enforcement firearm safety program. At the first
21 meeting of the discussion group, ATF's tracing system was discussed. The meeting was attended
22 by James J. Baker, chief lobbyist for the Sporting Arms and Ammunition Manufacturers Institute
23 (SAAMI), Tanya Metaksa, chief lobbyist of the National Rifle Association, Ted Rowe, CEO of
24 Sigarms (who was, at the time, also Chairman of the Board of SAAMI), Georgia Nichols, General
25 Counsel of O.F. Mossberg & Sons, President of ASSC and a member of the Board of Directors of
26 NSSF, Mike Saporito, General Counsel of RSR Wholesale Guns and Chairman of the Board of
27 ASSC, along with other executives. The chairman of the meeting was Pete Gagliardi, a senior level

1 administrator of the firearm division at ATF. Mr. Gagliardi explained that ATF tracing data was
2 being used by the agency to target suspected illegal arms traffickers. He stated that "statistically"
3 if a particular dealer shows up in a firearm trace "three or four" times per year, it may indicate a
4 significant trafficking problem with that dealer exists. I have attended several other industry
5 meetings with ATF in which ATF representatives made similar statements indicating that only a few
6 traces to a single dealer may be significant. Despite claims to the contrary, most gun manufacturers
7 also have been aware that ATF will provide manufacturers with tracing information about each
8 manufacturer's guns and how often they have been traced. For example, the meeting described above
9 led to a later visit by various executives to ATF's Tracing Center in West Virginia. That meeting was
10 attended by Rafael Aguirre-Sacassa of Beretta USA, Georgia Nichols of O.F. Mossberg & Sons,
11 Mike Saporito of RSR Wholesale Guns and others. During a tour of the facility, Gerald Nunziato,
12 the head of the Tracing Center, was asked by Georgia Nichols if ATF could identify the number of
13 traces the Bureau had conducted on Mossberg firearms during that year. Mr. Nunziato was able to
14 provide a computer printout with that information to Ms. Nichols before the end of the visit.

15 15. Even though most gun manufacturers sell their products through distributors, some
16 typically use a network of "manufacturer's representatives" to ensure close and frequent
17 communication with retail dealers. These representatives are usually outside firms that are assigned
18 by the manufacturer to take responsibility for the dealers in a certain geographic area. They provide
19 promotional material, ensure effective placement of the manufacturer's products and perform other
20 services designed to maximize product sales. Manufacturers' representatives provide an avenue for
21 manufacturers to gather information from dealers and monitor dealers' sales performance.
22 Manufacturers' representatives have long been used to enlist retail dealers in advancing the political
23 interests of the firearm industry. For example, I personally directed an ASSC-sponsored effort in
24 California in 1994 in which over fifty manufacturer representatives were enlisted (with the approval
25 of the major gun manufacturers) to use retail dealers and gun shows to register gun buyers as
26 California voters. The representatives provided dealers with over 50,000 voter registration cards and
27 other promotional materials. The effort was funded by several gun manufacturers and the publisher

1 of *Guns & Ammo* magazine. It was estimated that the campaign registered over 25,000 gun-owning
2 voters that year. Despite this well-established system of interaction and communication between
3 retail dealers through manufacturers' representatives, even to the extent of using dealers to advance
4 the political interests of the industry, manufacturers generally maintain that they are blind to the
5 business practices of certain dealers and can do nothing about the business practices of corrupt
6 dealers. Additionally, firearm distributors maintain almost daily contact with the nation's 100,000-
7 plus licensed FFLs. For example, as far back as 1992, RSR Wholesale Guns was instrumental in
8 assisting ASSC and the Firearms Coalition of Colorado, a politically active firearms rights
9 organization, in defeating a proposed Colorado ban on certain semi-automatic firearms and high
10 capacity magazines. RSR used its established lines of communication with Colorado FFLs to flood
11 key Colorado House and Senate committees with phone calls and faxes opposing the measure. As
12 a result of this success, Michael Saporito of RSR formed a dealers' action network called "Mike's
13 Militia". Mike's Militia was activated on a nationwide basis using RSR's established lines of
14 communication to coordinate the opposition to various federal, state and local legislative initiatives.

15 16. Some of the most important discussions of industry policy issues occurred at the
16 annual industry trade meetings known as the SHOT Show. Typically, at some point during each
17 SHOT Show that I attended, lawyers for the firearms industry, both inside and outside counsel,
18 would informally meet to discuss various legal, legislative and policy issues facing the industry.
19 These meetings became known as the "lawyers' meetings". The first series of "lawyers meetings"
20 I attended were organized by Pat Squire, then General Counsel of Colt and later General Counsel of
21 Interarms. Others who attended these meetings included industry in-house counsel such as Michael
22 Saporito of RSR Wholesale Guns, Georgia Nichols of O.F. Mossberg & Sons, Robert Chairello of
23 Joseph Chairello and Company and outside industry lawyers such as James Dorr of Wildman,
24 Harrold, Allen & Dixon, counsel to Sturm, Ruger & Co., Inc. in this case, and Timothy Bumann, of
25 Budd, Lerner, Gross, Rosenbaum, Greenberg & Sade, counsel to Taurus International Manufacturing,
26 Inc. in this case, as well as lawyers representing the NRA and Citizens Committee for the Right To
27 Keep and Bear Arms such as Stephen Halbrook, Richard Gardiner and Don Kates. I attended such

1 meetings from 1992 through 1997. The "lawyers' meetings" often addressed questions such as
2 whether the industry should take voluntary action to better control the distribution of guns.
3 Although it was known that Richard Feldman and I advocated a more proactive approach as a means
4 of heading off legislative action and reducing the risk of future liability, Mr. Squire, Ms. Nichols, Mr.
5 Dorr, Mr. Bumann and others consistently opposed that idea. The prevailing view was that if the
6 industry took action voluntarily it would be an admission of responsibility for the problem.
7 Beginning in 1994, Mr. Dorr and Ms. Nichols became concerned that the industry lawyers were
8 having such meetings and were concerned that industry counsel were openly talking about such
9 topics. After one such meeting, Jim Dorr told me he thought the meetings were "dangerous". After
10 the 1996 meeting, Georgia Nichols told others and me that Jim Dorr had "put out the word" that
11 industry lawyers should not attend future meetings. That effectively ended the informal meetings.

12 17. In an effort to voluntarily implement proactive programs to combat illegal gun
13 trafficking, promote firearm safety and prevent the criminal misuse of firearms, ASSC developed
14 plans for several comprehensive voluntary programs directly involving manufacturers and
15 distributors. In 1997, with the help of the Eddie Mahe Company, Richard Feldman, Georgia Nichols
16 and I developed, through ASSC's tax-exempt affiliate, the American Firearms Council (AFC), a plan
17 for a "dealer certification" program. The program envisioned the use of videotapes, computer
18 programs and other materials to train dealers to better understand and apply federal and state
19 firearms laws, including recognizing the warning signs of straw purchases and other suspicious sales.
20 Those who completed the program would be certified and manufacturers and distributors would be
21 encouraged to sell guns only through such certified dealers. We believed this program would help
22 to professionalize retail dealers and help prevent the diversion of firearms into the illegal market. We
23 also planned to distribute program materials to the media to convey the message that the industry
24 was doing its part to curb gun violence. Because the ASSC and AFC lacked the necessary funding
25 for the program, a decision was made to seek funding from the National Shooting Sports Foundation
26 (NSSF). The NSSF, at that time, was organized strictly to promote the shooting sports. ASSC
27 sought approximately \$700,000 to fund the certified dealer program, and support a separate program

1 to teach safety practices to gun owners. The NSSF had many of the same industry members as
2 ASSC, but had access to far greater resources because of its sponsorship of the very lucrative annual
3 SHOT Show, which is the largest industry trade show and generates millions of dollars to NSSF
4 every year. In November 1997, I attended a meeting at the National Association of Sporting Goods
5 Wholesalers trade show in Phoenix, Arizona, where the certified dealers program concept was
6 presented to NSSF officials. The NSSF rejected ASSC's funding request. In 2000, after a series of
7 municipal lawsuits had been filed, and the merger of ASSC into the NSSF, the industry adopted a
8 much more limited dealer information program called "Don't Lie for the Other Guy." NOL, Ex. 108.

9 18. In instances where firearm manufacturers have taken constructive voluntary steps to
10 reduce gun violence, they have been very successful. For example, during my tenure at ASSC, Mr.
11 Feldman and I were successful in organizing a joint effort by major gun manufacturers to provide
12 child safety locks with each new handgun sold. In the mid-1990s, Smith & Wesson had become the
13 first handgun manufacturer to begin a program of voluntarily providing "trigger locks" with its
14 handguns. The impetus for an industry-wide effort came from the Clinton White House, which
15 convened a meeting in September of 1997 between Rahm Emanuel, President Clinton's Domestic
16 Policy Advisor, and Richard Feldman and I, representing ASSC and Robert Delfay and James Jay
17 Baker, representing SAAMI and the NRA. President Clinton wanted all the major manufacturers
18 to follow Smith & Wesson's lead on the child safety lock issue. Mr. Feldman and I became advocates
19 for such an approach after discussions with Smith & Wesson's CEO Ed Shultz. We felt that the
20 industry's public image was suffering as a result of the persistent problem of child access to firearms
21 in the home. We were also aware of the highly successful gun-lock program started in 1988 by O.F.
22 Mossberg & Sons, one of the nation's leading shotgun manufacturers. We realized that a flexible,
23 voluntary approach, designed to reduce the risk of possible industry liability, was preferred over
24 rigid legislatively-mandated requirements many manufacturers could not meet. We felt voluntary
25 action, with the blessing of the Clinton White House, would stave off an effort to pass legislation
26 requiring a "one-size-fits-all" trigger lock approach. However, SAAMI executive Robert Delfay and
27 the NRA were bitterly opposed to the announcement of an industry-wide voluntary effort endorsing

1 the concept of gun owners using gun locks. Indeed, on the morning of the announcement, on October
2 9, 1997, James Jay Baker, told me that "[Richard] Feldman [ASSC Executive Director] has
3 deliberately done this to me and I am going to do everything in my power in the next three to four
4 hours to undo what you have done." Nevertheless, on October 9, in a Rose Garden ceremony,
5 President Clinton stood with Mr. Feldman, myself and other gun industry executives and announced
6 the industry's commitment to begin to provide, free of charge, a child safety lock with each new
7 handgun sold. The manufacturer parties to this commitment, many of whom are SAAMI members,
8 included: Smith & Wesson, Beretta USA, Sigarms, Heckler & Koch, Taurus Firearms, Sturm, Ruger
9 & Co., North American Arms, Glock, H&R 1871, Savage Arms, Davis Industries, Kahr Arms,
10 Heritage Manufacturing, Gibbs Rifle Company and O.F. Mossberg & Sons. This example
11 demonstrates that it is possible for gun manufacturers to take action beyond that required by law to
12 help prevent the misuse of firearms.

13 19. Following the 1997 White House safety lock announcement, there was an increasingly
14 strident debate within the industry between advocates of voluntary reform, including Mr. Feldman
15 and myself from the ASSC, and certain members of the Board of Directors of SAAMI who were
16 closely allied with the NRA. Robert Delfay, President of SAAMI and CEO of NSSF, was a major
17 opponent of reform and worked closely with the SAAMI Board, James Jay Baker and the NRA to
18 prevent anything like the safety lock agreement from ever happening again. For example, in an
19 obvious attempt to intimidate Mr. Feldman and myself, in November 1997, the Legal and Legislative
20 Committee of SAAMI convened a special meeting to which they asked Mr. Feldman and me to
21 attend and explain the reason for our actions in connection with the October, 1997 White House
22 trigger lock announcement. The meeting occurred as part of the Phoenix wholesalers trade show at
23 which we had presented the ASSC plan for a "certified dealers" program to industry representatives.
24 See ¶18 above. The SAAMI meeting was attended by Gerald Bersett, CEO of Sturm, Ruger, Art
25 Wheaton of Remington Arms (and then-Chair of SAAMI), Rafael Aguirre-Sacassa of Beretta USA,
26 Georgia Nichols and Allen Mossberg of Mossberg Firearms, Robert Scott of Smith & Wesson and
27 Paul Januzzo of Glock. At that meeting, Mr. Feldman and I were angrily denounced by Delfay,

1 Baker and Bersett.

2 20. Mr. Delfay and the NRA also were sharply critical of the efforts of Mr. Feldman and
3 myself to meet during 1998 with Mayor Ed Rendell of Philadelphia and other mayors to address the
4 issues raised by Mayor Rendell's threat to sue the gun industry. They also were critical of various
5 public statements by Mr. Feldman and myself suggesting the possibility of compromise with cities
6 seeking changes in industry business practices. Since many of the same manufacturers represented
7 in the ASSC also were members of NSSF, Mr. Delfay, James Jay Baker and the NRA began putting
8 pressure on influential members of the ASSC Board of Directors to terminate Mr. Feldman as ASSC
9 Executive Director. In February, 1999 at a meeting in Phoenix, Arizona, called for the purpose of
10 forming the new Hunting and Shooting Sports Heritage Foundation (HSSHf), industry leaders
11 pressured several ASSC Board members to call for the resignation of Richard Feldman. Feldman's
12 employment with ASSC was terminated the following month. The HSSHf was formed to bring the
13 industry "together" and to build a "war chest" to fight the municipal lawsuits. The Board of the
14 Heritage Foundation was composed of industry executives serving on the Boards of ASSC, NSSF,
15 SAAMI, and the Wildlife Management Institute (WMI), which is an affiliate of NSSF. In March
16 of 1999, I was appointed Executive Director of ASSC, replacing Richard Feldman.

17 21. My service as Executive Director of ASSC was short-lived, as I continued to clash
18 with the NRA-influenced SAAMI executives and NSSF CEO Robert Delfay. On May 10, 1999,
19 I attended a White House summit called by President Clinton to address the need to prevent future
20 tragedies like the shooting at Columbine High School in Colorado that had occurred the previous
21 month. Mr. Delfay of NSSF also planned to attend the White House meeting but at the last minute
22 backed out of the meeting because of pressure from the NRA to boycott the event. NRA President
23 Charlton Heston and NRA Executive Vice-President Wayne LaPierre were not invited to the event.
24 I had made special arrangements through Bruce Reed, the President's Domestic Policy Advisor, to
25 invite former Congressman Bill Brewster, an NRA Board member and Clinton friend to represent
26 the organization. This did not satisfy the NRA leadership. Following the White House summit,
27 there was a concerted effort by Mr. Delfay and the NRA to silence me and terminate ASSC as the

1 lobbying arm of the firearm industry. In a May 11, 1999 meeting of the Heritage Foundation Board
2 of Directors, a surprise decision was made not to fund ASSC legislative and government affairs
3 activities. On May 12, 1999, Mr. Delfay sent an "urgent" memo to each member of the U.S. Senate
4 entitled "The Firearms Industry is United Behind the National Rifle Association" which refers to
5 "confusion about who speaks for the gun industry". NOL, Ex. 96. On May 25, 1999, Mr. Delfay
6 sent a memo to the NSSF Board of Governors and the new Heritage Foundation entitled: "We have
7 a problem. A serious and urgent problem." The memo addresses the "new and unfortunate rift
8 between our industry's major trade associations." NOL, Ex. 97. On June 4, 1999, Mr. Delfay sent
9 yet another memo to four industry executives entitled "Reigning [sic] in Ricker." Citing my support
10 for legislation to raise the age for handgun possession from 18 to 21, despite the fact that support
11 for that had been approved by the HSSHF board on May 11, 1999, Mr. Delfay advises in the June
12 4 memo: "Someone in a position of authority at ASSC needs to direct Mr. Ricker to become silent."
13 NOL, Ex. 98. At that time, several major manufacturers and distributors closely aligned with the
14 NRA resigned from ASSC. Finally, on June 15, the ASSC Board voted to adopt a proposal from
15 the NSSF Board and the Heritage Fund Board to merge ASSC into NSSF under Mr. Delfay's
16 leadership. After that vote, I resigned my position with ASSC effective July 1, 1999. Both Mr.
17 Feldman and I were silenced as voices for reform within the firearm industry and the NRA was
18 firmly in charge of the industry's legislative and policymaking arm.

19 I declare under penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct. Executed this ____ day of _____, 2003, at _____,
21 _____.

22 _____
23 Robert Ricker

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DECLARATION OF SERVICE VIA JUSTICELINK

In re Firearm Case
No. JCCP 4095

(People, et al. v. Arcadia Machine & Tool, Inc., et al.)
San Francisco Superior Court No. 303753
Los Angeles Superior Court No. BC210894
Los Angeles Superior Court No. BC214794

I, Kathy Scoville, declare:

1. That I am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that my business address is 401 B Street, Suite 1700, San Diego, California 92101.

2. That on February 3, 2003, I served the DECLARATION OF ROBERT A. RICKER IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT MANUFACTURERS' MOTION FOR SUMMARY JUDGMENT by JusticeLink Electronic filing on all persons appearing on the Service List.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of February, 2003, at San Diego, California.

/s/ Kathy Scoville

Kathy Scoville