

around them to increased danger.<sup>38</sup> Yet firearm manufacturers have undertaken few industry-wide efforts to improve product safety.<sup>39</sup>

Many firearm manufacturers seem to ignore technology—including their own—that would make guns safer and less apt to unintentionally discharge. Internal memos, gun patents, and employee depositions show that many safety features are inexpensive, easily incorporated into existing models, and have been available for decades.<sup>40</sup> Additionally, most manufacturers appear to routinely disregard customer complaints and refuse to recall guns even after losing or settling lawsuits. Some gun makers go further, using confidentiality agreements as part of legal settlements to conceal information about allegedly defective firearms.<sup>41</sup>

### Confidentiality Agreements

Gun manufacturers' insistence on confidentiality agreements is common in product liability settlements. The agreements have kept critical information about the safety record of gun manufacturers from the public and are a prime example of how the gun industry conceals information about injuries and fatalities connected with its products. As outlined in other sections of this report, the industry has done so with the help of Congress and the NRA. There are no current requirements to report complaints and injuries to any federal or state agency, and gun manufacturers cannot be compelled to inform gun buyers of problems others have had with their weapons.

When police officer Randall Smith was accidentally shot in the head by a fellow law enforcement officer with a Glock semiautomatic pistol in 1995, he sued the manufacturer, claiming the weapon was defectively designed and unreasonably dangerous. Glock settled the lawsuit. The settlement contained a confidentiality agreement preventing Officer Smith, whose injuries left him permanently brain damaged, from talking about the case or revealing any details he learned about Glock before the settlement. His lawyer also is barred from talking about the case by the confidentiality agreement. Such agreements are standard policy for Glock when settling lawsuits. *The Detroit News* documented more than 50 lawsuits against Glock in the past eight years. In those with confirmed settlements, Glock insisted on confidentiality agreements.<sup>42</sup>

<sup>38</sup> Melvin Claxton, "Defective Firearms Go Unchecked," *The Detroit News*, December 14, 2003. Retrieved from the Internet at <http://www.detroitnews.com/2003/specialreport/0312/16/a13-7201.htm> on January 21, 2005.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Supra* note 38.