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## NRA to settle suit over Katrina gun seizures

City officials have agreed to return hundreds of firearms that police officers confiscated in the aftermath of Hurricane Katrina, part of a deal to resolve a lawsuit filed by gun lobbying groups.



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City officials have agreed to return hundreds of firearms that police officers confiscated in the aftermath of Hurricane Katrina, part of a deal to resolve a lawsuit filed by gun lobbying groups.

The settlement agreement filed Tuesday in federal court calls for the National Rifle Association and Second Amendment Foundation to drop their case if the city follows a plan for returning guns to owners who had them seized by police after the Aug. 29, 2005, hurricane.



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Both sides also are asking U.S. District Judge Carl Barbier to sign off on the pact and issue a permanent injunction barring the city from seizing lawfully possessed firearms. Barbier didn't immediately rule on the agreement, which doesn't involve a monetary award.

Police department spokesman Bob Young said it has stored 552 guns that were confiscated after Katrina, through Dec. 31, 2008, that were stolen or found in abandoned homes.

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The agreement calls for the city to post a notice on its Web site that explains how gun owners can claim their firearms.

Gun owners must sign an affidavit claiming ownership of a gun but don't need to present written proof, such as a sales receipt or serial number. A background check also is required to certify that someone claiming a gun can legally possess a firearm.

The city won't be liable if a dispute arises over the ownership of a returned gun. Authorities can dispose of any guns that go unclaimed after two years.

"This is all we've wanted all along: a practical return program," said NRA lawyer Stephen Halbrook, who estimated that the department should have 1,200 guns available for owners to claim.

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"I think it satisfies all our concerns," said Dave Workman, a spokesman for the Bellevue, Wash.-based Second Amendment Foundation. "The city for way too long has been dragging its feet on this. We're glad it's over and we can move on to other issues."

## Getting the word out

Young said the department "will do everything possible to notify people that their guns are available for pickup."

In April 2006, police made about 700 firearms available for owners to claim if they could present a bill of sale or an affidavit with the weapon's serial number. Halbrook, however, said few people could present proof of ownership after Katrina, which flooded 80 percent of the city.

Mayor Ray Nagin and Police Superintendent Warren Riley were defendants in the case, which was scheduled to be tried next month.

In their lawsuit, the gun lobbying groups accused the city of violating gun owners' constitutional right to bear arms and leaving them "at the mercy of roving gangs, home invaders, and other criminals" after Katrina.

In response, the city argued that federal law doesn't apply to the plaintiffs' claims against city officials "because the right to keep and bear arms has never been recognized as a fundamental individual right."

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