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## Remington rifle involved in growing number of accidents

Pete Noreen was watching the television news two weeks ago when he saw a story about a 9-year-old boy, Gus Barber, who had been shot and killed in a hunting accident in Madison County. The boy's mother was unloading her hunting rifle and the gun accidentally discharged.

The tragedy would sicken anyone, but Noreen, a former gunsmith, now a Belgrade machinist, felt a shiver roll down his spine.

"I had the strangest feeling that I knew what happened and how it happened," he said. "I had a feeling in my guts that it was the same type of gun."

The gun is a Remington Model 700 series rifle. It's the same gun that went off in his daughter's hands while hunting in the Little Belt Mountains near Utica, three years ago. It's the same gun that Bob Ekey, another Bozeman hunter, had accidentally discharge on two separate occasions in two consecutive years. It's the same gun that has been the center of more than 80 lawsuits around the country taken up against Remington Arms Co. in the past 20 years.

One of those lawsuits ended in 1994 with Remington paying \$17 million to a Texas man whose Remington Model 700 bolt-action rifle accidentally discharged and shot him in the foot. The court earmarked \$15 million of that order as punitive damages.

As it turned out Noreen was right. The gun that discharged unexpectedly and killed Gus Barber in the Gravelly Range on a family hunting trip Oct. 23 was a Remington Model 700 bolt-action rifle.

It isn't only the number of incidents that raises eyebrows, but also the similarity of the incidents.

Ekey said in his first incident in 1988 with the Remington Model 700, he returned from hunting with a buddy and was in the parking

lot unloading the gun. He released the safety and opened the bolt when the gun, which was pointing at the ground, discharged. He said his finger was not near the trigger.

Barbara Barber, Gus Barber's mother, said Wednesday that was exactly what happened to her as she unloaded the gun. But this time the barrel of her gun was pointing at the open door of a horse trailer. The bullet went through the trailer's wall and hit her son in the abdomen as he stood on the other side.

"My finger wasn't on the trigger," she said.

Even with mounting evidence many people like Jacob Martin, owner of Valley Pawn in Bozeman, don't believe there is a problem with the gun and say accidents happen because people aren't following basic hunter safety rules.

"It's the most reliable gun out there," he said. "I have a difficult time believing this."

But Ekey said hunters have a right to expect more from the Remington Model 700, one of the most popular rifles on the market with more than 3 million sold since it went on the market in 1962.

"You should handle a gun as if it will go off, but you should have a reasonable expectation that it won't," Ekey said Thursday. "Guns are inherently dangerous, but we as hunters don't have to accept a situation that is more dangerous than it has to be." .....

Not including Gus Barber's fatal accident, at least three other injury or death accidents in Montana have been associated with the Remington rifles.

The most recent was this past Friday, when a Bozeman hunter, Justin Sabol, was unloading his Remington Model 700 .22-250-caliber rifle when it discharged. The bullet first hit the floor of his truck, then ricocheted and hit Robert Nase, 53, of Belgrade, in the forearm, causing a minor injury.

In November 1988, Brock Aleksich of Butte was operating the safety of a Remington Model 700 rifle when the gun discharged and shot his brother, Brent Aleksich, in both legs. The teen suffered severe and permanent physical injuries, according to court documents on the case. The case settled out of court, but parties were not allowed to discuss terms of the settlement.

In June 1993, 11-year-old Hank Blacksmith was at the home of his friend, Jesse Coonfare, in Billings. Coonfare got his father's

Remington Model 600 Mohawk rifle, a gun that Remington had recalled in 1978. The gun slipped from Coonfare's hands and accidentally discharged, shooting and killing Blacksmith. That case also settled out of court in 1996 and the terms of the settlement were also sealed and confidential.

Remington Arms Co. denies that its Model 700 bolt-action rifle, which includes 19 different variations, is more dangerous than any other weapon, or faulty in its design.

According to a 1994 Business Week magazine story, a company spokesman said "We have believed in the past and continue to believe today that the Model 700 is one of the finest bolt-action rifles manufactured. We see the product as a safe and reliable sporting firearm."

Several attempts to reach a spokesperson for Remington for this article were unsuccessful. The Chronicle did reach Ron Bristle, chief operating officer for Remington, on Friday, but he said he could not speak for the company and that someone would return the call. No one did.

Remington has admitted problems with another rifle, the Model 600, sister to the Model 700. After settling a case in 1978 with a man who became paralyzed when the Model 600 suddenly discharged, Remington recalled that model. The company calculated that 50 percent of the 200,000 Model 600 rifles it had sold would fail, according to minutes of a January 1979 meeting of the Remington Arms Product Safety Subcommittee.

The Model 600 and Model 700 rifles use the Walker fire control system and evidenced the same discharge problems leading to the same kind of injuries, the subcommittee minutes note. But Remington had sold 10 times as many Model 700 rifles and a recall would be much more costly to the company.

Remington had 1979 tests that showed only 1 percent of the Model 700 guns could be "tricked" into a discharging inadvertently and argued that a recall "would have to gather 2 million guns just to find 20,000 that are susceptible to this condition," according to the subcommittee's minutes.

But Attorney Richard C. Miller, a Missouri attorney who has represented more than 40 cases against Remington regarding accidental discharges of the Model 700, believes the real reasons Remington didn't order a recall because it would be too costly and hurt the company's future sales.

"Every one can do it. There's not one out there that's safe," Miller

said Friday.

The cause is an inherent problem with the Walker system in Remington's bolt-action rifle, something the company knew about from the original patent in 1950. The patent application states, "We have found it to be essential that the safety (mechanism) be so arranged that an inadvertent operation of the trigger while the safety is in the "Safe" position will not condition the arm to fire upon release of the safety."

Miller explained there are two problems with the Model 700 rifle.

The first is a problem where the internal components of the system don't always return the sear-block safety, which blocks the firing pin from reaching the primer. When that happens, the only thing keeping the gun from firing is the safety.

The second problem exists in guns made prior to 1982, when the rifle was made with a bolt lock. The lock wouldn't allow the bolt to be opened or closed while the safety was on. Accidents with these guns most often happen in camp, or parking lots, when people are loading and unloading the weapon, Miller said.

In 1982, Remington started making its bolt action rifles without the bolt lock and the number of complaints declined, Miller said. Accidental discharges with these newer rifles often happen when people turn off the safety, usually when they are ready to shoot.

"I want to give Remington credit where credit is due," Miller said. "That did reduce the likelihood of a malfunction. But Remington would never have made that change but for the fact that they were facing a bunch of lawsuits."

Miller and his associates have also uncovered evidence that Remington developed a safer gun with its new bolt-action rifle, or NBAR, program but never manufactured it. The company also tried to keep documents about the NBAR program out of court, but more than 20 judges ruled the company needed to release its records, according to Business Week.

"The NBAR program had as its goal improvement of the defective fire control on the Model 700," wrote Texas Supreme Court Justice Lloyd Dogget in December 1992. "(The documents) provide evidence of great significance ... as to Remington's knowledge of defects and of its ability to implement safer alternative designs." .....

All the evidence of what Remington knew or didn't do doesn't help the Barber family, Rich Barber, Gus's father said Wednesday. But

he does feel the company was "unconscionable" by not notifying the public about the problem.

"My son is a statistic," Rich Barber said. "He was one of 20,000 potential problems Remington knew about."

While the Barbers have been in contact with Miller, Barber said the family has not decided what to do on a legal front. For now, his focus is on educating everyone he can about the gun that killed his son.

"We are considering (a lawsuit) at this time, but it's not one of my priorities," he said. "It's the middle of hunting season in Montana now. I want to make a difference."

In the two weeks since his son's death, Rich Barber has been in contact with the news media trying to spread the word about the dangers of Remington's bolt action rifle.

He's also contacted several local schools offering to speak to classes about the gun and gun safety or be interviewed by the school paper's reporters, hoping that he can teach a new generation of hunters about the gun.

Barber stressed repeatedly that this is not an anti-gun issue.

"It's a gun-safety issue," he said.

For 12 years he and his family had been happy with the Remington Model 700, he said. "It would out shoot anything that came out of the box. It was a very accurate weapon and a fine weapon for my family."

The Barbers have another Remington Model 700, bought after being so pleased with the first one. Rich Barber now looks at his remaining rifle and he's not sure what to do with it.

Miller said there are only two things that can be done with the Remington Model 700 to eliminate the problems. First is to get the bolt lock removed on models made prior to 1982. Second is to go to a gunsmith and have a new, after-market firing system of another brand installed.

Barber wants to pass this information along to as many people as he can, believing he only has a two-week window to do because that's as long as the general public will remember his son's death.

He's also asking people to contact him about any mishaps they had with the Remington Model 700 series. In a small circle of

friends, he said he already knows of 14 confirmed cases and four possible ones.

"My goal is to document as many cases to show that the 1 percent (Remington claims is susceptible to the problem) is inaccurate in the hope that their consciousness will catch up with them and recall the weapon," Rich Barber said.

"My emotion is gone. My mission now is to save lives. I didn't ask for this. I didn't search it out. It came to me. It's a God-given mission," he said.

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