

April 2, 2003

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

We, the undersigned organizations, strongly oppose any legislation that would limit the legal rights of gun violence victims or hinder their efforts to seek justice in our nation's courts.

H.R. 1036, as recently introduced by Representative Cliff Stearns (R-FL), is an ill-conceived and reckless attempt to provide special legal protection for the gun industry at the expense of innocent Americans who have been harmed by the dangerous and irresponsible actions of firearm manufacturers and sellers. We urge you to oppose this legislation. The gun industry should be subject to the same legal standards of conduct that govern all other people and industries in society.

This legislation is unconscionable in light of the gun violence that continues to take a terrible toll on our nation. Recently, Americans watched in horror as citizens were gunned down in Maryland, Virginia and the District of Columbia by the alleged "snipers," John Allen Muhammad and John Lee Malvo. While law enforcement officials are prosecuting the snipers for their crimes, the families who lost loved ones in the attacks have also filed a civil lawsuit to ensure that those responsible for arming the snipers also are held accountable. This includes Bull's Eye Shooter Supply, the gun store from which the assault rifle used in the shootings mysteriously disappeared, along with many other guns. If H.R. 1036 is enacted into law, the families of the sniper victims will be thrown out of court.

And there are other victims seeking justice in our civil courts whose legal rights would be denied by Representative Stearns' legislation. Two New Jersey police officers, Ken McGuire and David Lemongello, were shot and seriously wounded by a criminal who obtained his gun because of the negligence of a West Virginia pawnshop that supplied a gun trafficker. These officers have filed a lawsuit seeking to hold the pawnshop responsible for its role in fueling the illegal gun market in New Jersey.

Given the suffering experienced by these and other gun violence victims, it is outrageous and offensive for the gun lobby to call their efforts to obtain justice "frivolous." Gun violence victims seeking their day in court have based their lawsuits on long-standing rights well established in our nation's common law. For more than ninety-three years, the National Association for the Advancement of Colored People (NAACP) has fought to protect the equal rights of all men and women, including the right to access - and be protected by - America's justice system. Part of that fight includes the NAACP's current legal action against firearms manufacturers and dealers who have facilitated the supply of handguns to an unlawful underground market. These actions have disproportionately harmed both the NAACP and its members. Gun violence is the number one killer of African Americans ages fifteen to twenty-four, and though African

Americans represent 13% of the total U.S. population, blacks account for 51% of gun homicides. The legal remedy being sought in NAACP et. al v. American Arms et.al. and NAACP v. AcuSport et.al. does not involve damages; but rather calls on the gun industry to behave responsibly.

More than 30 cities and counties, as well as the State of New York, have also gone to court seeking to require the gun industry to act more responsibly and safely. A recent declaration from a gun industry insider filed in one of these cases reveals why the gun industry is desperate to shut down these lawsuits.

In that declaration, Robert Ricker, who served as the Executive Director of a major gun industry trade association and was also a former Assistant General Counsel for the National Rifle Association, explains the industry's disregard for public safety: "Instead of requiring dealers to be proactive and properly trained in an effort to stop questionable sales, it has been a common practice of gun manufacturers and distributors to adopt a 'see-no-evil, hear-no-evil, speak-no-evil' approach." Mr. Ricker's declaration also shows the importance of civil litigation in policing the gun industry: "until faced with a serious threat of civil liability for past conduct, leaders in the industry have consistently resisted taking constructive voluntary action to prevent firearms from ending up in the illegal gun market and have sought to silence others within the industry who have advocated reform." In light of the Ricker Declaration, it would be a terrible mistake for Congress to pass H.R. 1036.

Regrettably, H.R. 1036 is only the latest chapter in the gun industry's ongoing effort to secure special favors from Congress. Guns are one of two consumer products – tobacco is the other – that are exempt from federal health and safety regulation. Consequently, American consumers receive federal protection from safety flaws in products such as children's toys, but not from deadly firearms.

Congress should reject legislation such as H.R. 1036 that would undermine the legal rights of individuals and communities and provide unwarranted special immunity for the firearm industry. We urge you to oppose this misguided attack on gun violence victims.

Sincerely,

American Psychiatric Association
Americans for Democratic Action
Brady Campaign to Prevent Gun Violence United with the Million Mom March
Child Welfare League of America
Children's Defense Fund
Coalition to Stop Gun Violence
Commission on Social Action of Reform Judaism
Consumer Federation of America
Disarm Education Fund
Hadassah, the Women's Zionist Organization of America
Justice Policy Institute

Lutheran Office for Governmental Affairs, ELCA
Mennonite Central Committee US, Washington Office
National Association for the Advancement of Colored People (NAACP)
National Coalition Against Domestic Violence
National Council of Jewish Women
National League of Cities
Physicians for Social Responsibility
Presbyterian Church (USA), Washington Office
Society for Public Health Education
Unitarian Universalist Association of Congregations
Violence Policy Center
Washington Ethical Action Office - American Ethical Union