

Firearms industry should bear financial liability for homicides involving handguns

George Nation, professor of law and business at Lehigh University in Bethlehem, Pa., argues in the April issue of the Baylor Law Review that manufacturers of guns should be required to bear vicarious financial liability for the harm suffered by innocent bystanders who have been injured by the criminal use of their products.

"Traditionally, gun manufacturers have escaped responsibility when it comes to the criminal use of their products," says Nation. "The legal system essentially presumes that criminal activity is not to be expected and that manufacturers have no control over the use of their products."

"But with more than two million handgun-related crimes each year, and some gun advertising clearly aimed at criminal users, this traditional presumption is at odds with reality," he adds.

According to the U.S. Federal Bureau of Investigation, 68% of all murders reported to police in 2006 were committed with a firearm. Statistics from The Center for Disease Control sound a similar warning; the center estimated the number of gun-related homicides in the U.S. to be well over 11,000 in 2005.

High courts continue handing down contradictory rulings on the financial liability of gun manufacturers. Just in the past half year, appellate courts in Indiana and Washington, D.C. have handed down opposite decisions involving the reach of the Protection of Lawful Commerce in Arms Act (2005).

In the case of gun manufacturers, at stake is the future of the \$2 billion firearms industry. The Second Amendment has come under particular fire this past year and is the focus of a landmark hearing today at the U.S. Supreme Court regarding gun ownership. The court has weighing the issue of gun control in *Heller*, which pits those that believe the number of lives lost to gun-related violence is a tragic consequence of lax gun-control laws, versus others who claim an individual Constitutional right to own and bear arms.

Nation also says that some level of criminal use is to be expected due to decisions manufacturers make concerning the design, production, marketing and distribution of their firearms.

Source: Lehigh University

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