

Gunmakers Under the Gun

By Reg P. Wydeven
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Each week I try to work a few jokes into the typically mundane legal topics we discuss. Most of the jokes aren't funny, but I try to work them in anyway. This week we'll be discussing gun control - a topic people are very passionate and sensitive about on both sides of the fence. Therefore, to avoid upsetting any readers, especially some that might be armed, this week I'll try to keep the jokes to a minimum.

Last month, proponents of the Second Amendment of the U.S. Constitution, which guarantees the right to keep and bear arms, scored two legislative victories - one at the federal and one at the state level. First, the U.S. Senate passed a law based on the premise that 'guns don't kill people, people kill people.' The law shields firearms manufacturers, dealers and importers from lawsuits filed by victims of gun crimes.

A similar bill was introduced in the Senate last year, however, a proposed extension on the ban on assault weapons was tacked onto the bill and it was revoked. Last year the House did pass a similar bill, and this year the Senate passed it on a 65-31 vote.

While the law will not protect gun manufacturers or dealers from product liability, negligence or breach of contract claims, representatives of the industry believe the law will protect it from financial disaster and possible bankruptcy attributable to damages from lawsuits filed by victims of gun crimes.

The National Rifle Association heavily supported the law and feels its passage is a tremendous victory. Gun control backers did get a consolation prize, however. The law also requires that each handgun be sold with a separate child safety or locking device, unless the gun is purchased by government officials or police officers. Violations of this requirement could result in the suspension of a dealer's license, up to a \$10,000 fine, or both.

The Senate elected not to include several proposed amendments to the bill, which typically attempted to preserve the right to sue the gun industry for families of children or police officers that were the victims of gun crimes. The Senate also voted down Senator Ted Kennedy's amendment to the bill that proposed to ban hollow-tipped bullets, which have been dubbed "cop killers" because of their ability to penetrate bullet-proof vests.

The NRA is also excited about a law that was recently passed in Oklahoma. The law prevents employers from terminating employees for storing firearms in their vehicles while parked on the employer's premises.

The law was passed in response to ConocoPhillips firing several employees who had kept guns in their cars at work. After Oklahoma passed the law, ConocoPhillips, which employs more than 3,100 workers in Oklahoma, then filed a federal lawsuit in an attempt to block the law.

To encourage ConocoPhillips to drop the lawsuit, the NRA urged its members and all gun owners to boycott the company, including its Conoco and Phillips 66 gas stations.

One thing's for certain - if the gun industry decides to take on the oil industry, it should be a pretty interesting fight. If the tobacco industry somehow got involved, it would give professional wrestling a run for its money.

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