



BILL FRIST

U.S. SENATE MAJORITY LEADER • TENNESSEE

FOR IMMEDIATE RELEASE
July 27, 2005

Nick Smith (202) 224-3355

FRIST STATEMENT ON GUN LIABILITY REFORM LEGISLATION

WASHINGTON, D.C. – U.S. Senate Majority Leader Bill Frist, M.D. (R-TN) delivered the following floor statement today regarding gun liability reform legislation. The bill, which is currently pending on the floor of the Senate, is designed to stop frivolous lawsuits against gun makers:

“This Congress is taking a stand against frivolous lawsuits, including class-action, bankruptcy, asbestos, medical liability and now gun liability.

“Earlier this year, Senators Max Baucus and Larry Craig teamed up to introduce the Protection of Lawful Commerce in Arms Act. This bill is designed to stop frivolous lawsuits against gun makers and place responsibility for the criminal use of guns where it belongs: on the criminals.

“Many people believe that the gun manufacturing is a large and profitable industry. In fact, the gun industry is relatively modest. In 1999, it made less than \$200 million in total profits.

“Added all together, the nation’s gun manufacturers don’t even make the Fortune 500 list.

“More important than size, however, are the hard working people on the factory floor. Gun makers provide valuable jobs in rural communities where jobs are needed most.

“I’ve toured gun manufacturing facilities. I’ve shaken their hands. I’ve looked them in the eye. They’re hard-working, law abiding citizens who deserve our attention.

“In many small communities, they’re the biggest employer in town. That means ruinous lawsuits don’t just threaten gun makers, they threaten whole towns and American families.

“Anti-gun crusaders insist that the firearm business, one of the most regulated industries in America, should be responsible for the criminal acts of others. They believe that it’s okay to use lawsuits to circumvent the democratic process and legislate from the bench.

“How do I know? They say so themselves.

“One trial attorney claims that, ‘What has happened is that the legislatures have

failed. . . Lawyers are taking up the slack.’

“Another anti-gun trial lawyer says that trial lawyers are ‘the new arm of government’ replacing the legislative branch, ‘that’s not working anymore.’

“These trial lawyers believe they are above the voters and the legislative process.

“I don’t agree. Most Americans don’t agree. Most Americans think there is too much litigation in this country.

“Legislators in 33 states have passed laws to preempt frivolous gun lawsuits. They recognize that our Constitution protects the right to keep and bear arms. In fact, 53 percent of America’s households own a gun.

“Still the anti-gun crusaders, aided and abetted by powerful trial lawyers, charge ahead. They know that all it takes is one successful lawsuit. As one chapter of the United Steelworkers of America points out, ‘we are just one defeat way from bankruptcy.’

“Since 1997, more than 30 cities and counties have sued firearms companies in an attempt to force them to change the way they make and sell guns. Firearm manufacturers have already spent more than \$200 million in legal fees to defend themselves.

“Meanwhile, most of these cases have been dismissed.

“As the Supreme Court of New York put it, ‘[The] courts are the least suited, least equipped, and thus the least appropriate branch of government to regulate and micro-manage the manufacturing, marketing, distribution and sale of handguns.’

“The Florida Third District Court of Appeals agrees, adding that, ‘The power to legislate belongs not to the judicial branch of government but to the legislative branch.’

“Some cases, however, are still pending and threaten to go forward. Thus it’s critical that we act now.

“In California, former Governor Gray Davis signed legislation explicitly authorizing lawsuits against gun makers. Because the firearms business is relatively small, one substantial verdict could bankrupt the entire industry. In California, this is a real possibility.

“If the gun industry is forced into bankruptcy, the ‘right to keep and bear arms,’ will be a right in name only.

“Even if some gun makers are able to hold on, the prices for firearms will be so high that owning a gun like a hunting rifle will be a privilege only the wealthy can afford.

“And there’s another important and little recognized aspect to this issue. America relies on private gun manufacturers to equip our soldiers and law enforcement officers with the arms they need.

“The guns our police officers and soldiers carry are made here in the United States by hard working Americans.

“The main manufacturer of guns in my home state, for example, supplies important small arms to the military.

“So far, the mid-Tennessee company has not been sued. Tennessee passed liability protection back in 1999. But if they were sued and put out of business, the military would lose an important supplier – and 70 Tennesseans would lose their jobs.

“We all agree that guns should not be in the hands of criminals. That’s why we have countless laws and regulations to stop illegal gun sales.

“But we also cannot allow frivolous lawsuits to strip our police officers and soldiers of their side arms. We cannot allow unfair litigation to cripple our national security.

“Our sympathies are always first and foremost with crime victims and their families. No one deserves to be harmed by a criminal wielding any kind of weapon be it a gun, or knife, or anything else.

“But we must place the blame where it belongs, at the feet of the violent individuals who commit these crimes and threaten our communities. They are responsible. They should be held accountable.

“Blaming gun manufacturers misses the real problem. It punishes law abiding gun owners and undermines our constitutionally protected rights.

“And even if litigation managed to bankrupt law abiding gun manufacturers, it wouldn’t stop criminals from getting guns elsewhere.

“I urge my colleagues to help stop frivolous gun litigation.

“A vote for reform is a vote for security. A vote for reform is a vote for common sense.”