

Townhall

Biden Sets His Sights on Destroying the Gun Industry

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President Joe Biden has the firearms industry in his crosshairs.

During his Rose Garden address last month, Biden reaffirmed his support for repealing the Protection of Lawful Commerce in Arms Act (PLCAA) of 2005.

“This is the only outfit that is exempt from being sued. If I get one thing on my list — (if) the Lord came down and said, 'Joe, you get one of these' — give me that one," Biden said. "Most people don't realize, the only industry in America, billion-dollar industry, that can't be sued, exempt from being sued, are gun manufacturers.”

Biden's hostility to this industry, however, isn't new.

As a U.S. Senator, he voted against the PLCAA. Biden's campaign listed repeal of the law as a top priority, stating, “This law protects these manufacturers from being held civilly liable for their products – a protection granted to no other industry. Biden will prioritize repealing this protection.”

If Biden's administration succeeds in doing away with PLCAA, it'll incur massive problems for lawful commerce of firearms and undermine Second Amendment rights.

What is the PLCAA?

The bipartisan Protection of Lawful Commerce in Arms Act became law on October 26, 2005. It passed the U.S. Senate 65-34 with four abstentions. In the House of Representatives, it passed 283-144 with six abstentions.

The law prohibits “civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages, injunctive or other relief resulting from the misuse of their products by others.”

Supporters argue repeal would undermine Second Amendment rights in this nation.

The CATO Institute explained exorbitant costs resulting from frivolous lawsuits pre-PLCAA ran “gun makers and sellers out of business” through “litigation-induced bankruptcy practices”—aimed directly at restricting constitutionally-protected gun rights.

In contrast, the bill's opponents support full repeal—claiming manufacturers intentionally make products that endanger lives.

Gun control group Everytown for Gun Safety believes the law “blocks legal responsibility for gun manufacturers that have failed to innovate and make guns safer.” Another gun rights foe,

Giffords, claims it “shields the gun industry from nearly all civil liability for the dangers their products pose.”

Do Gun Manufacturers Enjoy Blanket Immunity Protections? Fake News

President Biden insists the firearms industry enjoys blanket protections against lawsuits. Legal experts disagree.

“Do gun manufacturers really have blanket immunity from lawsuits? No, not even close,” wrote Williams Mullens, a Richmond, Virginia-based law firm.

“Under the act, firearm manufacturers and sellers are subject to liability for any product defects, such as when a firearm backfires or explodes in a user’s hand, and certain other violations of law, such as making illegal sales,” wrote Victor Schwartz, chairman of the Public Policy Group at Shook, Hardy & Bacon. “The act essentially treats firearm manufacturers and sellers like other makers and sellers by codifying bedrock principles of liability law.”

Schwartz expanded:

The notion that only the firearms industry enjoys such protection is also incorrect. Several other industries that have been threatened with potentially crushing civil liability are protected by qualified civil immunity laws. For example, the General Aviation Revitalization Act of 1994 bars lawsuits involving general aviation aircraft and products that are more than 18 years old, the Biomaterials Access Assurance Act of 1998 bars lawsuits against suppliers of chemical components and raw materials used in medical devices, and the Public Readiness and Emergency Preparedness Act of 2005 protects vaccine manufacturers from liability exposure in the event of a declared public health emergency.

Legal scholar Jonathan Turley similarly argued undoing the law would open the door to frivolous lawsuits.

“The bill saved the industry some litigation costs, but the industry would have prevailed in such actions anyway if they were tried,” wrote Turley. “Product liability and tort actions against manufacturers have uniformly and correctly been rejected by the courts. Guns are lawful products, and holding companies liable for later misuse of such products is absurd. You might as well sue an axe manufacturer for the Lizzy Borden murders.”

The Industry Responds

Firearms manufacturers and related trade associations are definitely on alert.

BPI Outdoors CEO Nate Treadaway is very concerned about possible repeal of PLCAA, as it would undermine companies like his who engage in lawful commerce. BPI oversees CVA (a popular muzzleloader brand) and Bergara Rifles.

“We've been actually watching it very carefully and talking through it,” Treadaway told Townhall.com in a phone interview. “If that law were to be revoked and we had that liability opened back up to us, I do think it would put a hamper on some of the innovation that we're seeing.”

“I also think that it would cause prices to go up because people are going to be prepared to pay higher liability on frivolous cases,” he added. “It's one more tool of the opposition party to try to keep us from doing what we're lawfully allowed to do.”

National Shooting Sports Foundation (NSSF), the leading firearms industry trade association, agrees.

“PLCAA does nothing more than codify tort law,” said Mark Oliva, NSSF’s director of public affairs. “The law simply prevents lawsuits against manufacturers for the criminal misuse by third party. It’s just like saying you can’t sue Ford for the deaths caused by drunk drivers.”

Oliva also warned, “Should PLCAA be repealed, it would have dramatic reverberations outside of the firearm industry.”

Conclusion

According to recent data, the firearms industry employs over 342,000 Americans and has a \$63.5 billion economic impact.

How would killing off this industry do our country any good? It wouldn't.

Firearms industry workers are people too, Mr. President. Shame on you for defaming this economic sector and its hardworking, law-abiding employees.