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# Tyler Morning Telegraph

## Sanders and NRA are in agreement?

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Here's one for the "strange bedfellow" category. The National Rifle Association tweeted praise for socialist Sen. Bernie Sanders, after the Democratic presidential primary debate on Sunday.

The NRA praised Sanders for this quote: "What you're really talking about is ending gun manufacturing in America. I don't agree with that."

The issue is the liability of gun manufacturers for how their products are used or misused.

It came up during the Sunday night debate.

"At the debate, CNN's Anderson Cooper asked Sanders and Hillary Clinton whether they agreed with the families of Sandy Hook victims moving to sue Remington, which manufactured the weapon used in the massacre," CNN reports. "Sanders explained his position, saying he disagrees with holding the manufacturers of firearms legally liable."

The Protection of Lawful Commerce in Arms Act, signed into law in 2005, prevents firearm makers and dealers from being held financially liable for crimes committed with their products.

There are some important exceptions; if a dealer knows (or should have known) that a gun it sold would be used for an illegal purpose, that dealer can be held liable.

And manufacturers are still liable for damages caused by defects, breach of contract and any other criminal acts directly attributable to the maker.

That's the same standard any consumer product manufacturer in the U.S. is held to. Auto manufacturers, for example, are liable for vehicles that are defective. They're not liable for vehicles that are used in armed robberies.

As Sanders himself said, "If somebody has a gun and it falls into the hands of a murderer and the murderer kills somebody with a gun, do you hold the gun manufacturer responsible? Not any more than you would hold a hammer company responsible if somebody beats somebody over the head with a hammer."

The law in question had broad bipartisan support, notes the Cato Institute's Walter Olson.

"Congress had both good practical reason and Constitutional authority to enact PLCAA," Olson writes. "Its purpose and effect was to call a halt to the campaign (backed by the administration of Bill Clinton, Hillary's husband) to launch financially ruinous litigation against firearms makers and dealers - most of them thinly capitalized firms unable to withstand massive legal bills - and

apply the resulting leverage to extract promises of gun control without the bother of seeking approval for those measures from a then-skeptical U.S. Congress. It was a campaign rightly decried as undemocratic even by such figures of the Left as former cabinet secretary Robert Reich.”

And the effort was unethical, he adds. “Then-HUD secretary Andrew Cuomo warned gunmakers that unless they cooperated they’d suffer ‘death by a thousand cuts,’ while then-New York Attorney General Eliot Spitzer reportedly warned Glock: ‘If you do not sign (a settlement), your bankruptcy lawyers will be knocking at your door.’”

So Congress had to step in.

“Congress’s formula for resolving litigation amounted in essence to restoring, not overturning, the traditional common-law bounds of gun liability,” Olson writes.

Sanders was correct. Lawsuits against gunmakers are an assault on the Second Amendment.