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NSSF Rejects City of Buffalo's Frivolous Lawsuit Against Firearm Industry Members

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WASHINGTON, D.C. — NSSF[®], The Firearm Industry Trade Association, rejects the false premise of the [lawsuit](#) brought by the City of Buffalo against several firearm manufacturers, distributors and retailers. The accusations are without any legal merit and are an obvious attempt by city officials to deflect attention and shift responsibility for their failure to enforce the law against criminals by casting blame on a Constitutionally-protected and most highly-regulated industry in the nation today.

“The junk lawsuit by the City of Buffalo attempts to deflect attention for illegal activities by criminals by laying blame at the feet of the firearm industry, which is following the law,” said Lawrence G. Keane, NSSF Senior Vice President and General Counsel. “This is no different from the frivolous and unsuccessful lawsuits filed against firearm manufacturers in the late 1990s and early 2000s by crime-ridden big-city mayors across the country. Those lawsuits failed because they were legally and factually baseless. But they did, however, result in Congress passing the Protection of Lawful Commerce in Arms Act in 2005 by a broad bipartisan margin.”

The recently passed New York public nuisance law, upon which Buffalo's lawsuit is based, is a transparent and unconstitutional attempt to defy the will of Congress. A lawsuit challenging the Constitutionality of the New York public nuisance law is now before a federal appellate court in Manhattan.

New York's “public nuisance” law would subject members of the firearm industry to civil lawsuits for the criminal misuse or unlawful

possession of firearms in New York that were lawfully sold after a criminal background check, that the industry supports. This was the same failed tactic ushered in by New York's disgraced former Gov. Andrew Cuomo when he served as Housing and Urban Development Secretary in the Clinton administration and attempted to use these lawsuits to impose on the firearm industry a "death by a thousand cuts." The public nuisance law was signed by the former governor shortly before he was driven from office.

This lawsuit also ignores that NSSF, The Firearm Industry Trade Association representing firearm manufacturers, distributors and retailers, proactively works hand-in-hand with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to prevent illegal "straw" purchases of firearms and firearm thefts from retailers. That is just one of the multiple firearm safety efforts the firearm industry's [Real Solutions. Safer Communities](#)[®] campaign, which also includes safe storage of firearms in the home, suicide prevention and improving background checks for lawful firearm purchases.

New York's law and this lawsuit distort principles of liability clearly established as bedrock principles of Tort Law. The bipartisan 2005 Protection of Lawful Commerce in Arms Act ([PLCAA](#)), which has been upheld as Constitutional by U.S. Courts of Appeal, specifically forbids these lawsuits.

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About NSSF

NSSF is the trade association for the firearm industry. Its mission is to promote, protect and preserve hunting and the shooting sports. Formed in 1961, NSSF has a membership of thousands of manufacturers, distributors, firearm retailers, shooting ranges, sportsmen's organizations and publishers nationwide. For more information, visit [nssf.org](https://www.nssf.org).

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