

Statement of Center for American Progress for the House Committee on Oversight and Reform Hearing, “Examining the Practices and Profits of Gun Manufacturers”

July 27, 2022

The Center for American Progress (CAP) is pleased to submit this statement regarding the practices and profits of gun manufacturers. CAP is an independent non-partisan think tank dedicated to improving the lives of all Americans through bold, progressive ideas, as well as strong leadership and concerted action. CAP is committed to developing policies that promote safe and just communities by: (1) reducing gun violence and increasing oversight of the gun industry; (2) increasing investment in community-based violence intervention solutions; (3) shrinking the footprint of the criminal justice system while improving public health and safety; (4) promoting equity and accountability within the justice system; and (5) providing opportunities for people directly impacted by the criminal justice system. In this work, we recognize how extremism and hate are amplified by easy access to weapons of war and we approach community safety and justice with a racial equity lens.

Gun manufacturers rely on irresponsible marketing and stoking fears to make millions in profit by selling weapons of war to civilians, including to mass shooters who devastate entire communities in places like Buffalo, NY; Uvalde, TX; and Highland Park, IL. The gun industry continues to oppose basic safety regulations and have blocked gun violence survivors from having their day in court to hold manufacturers accountable for negligible practices. The Bipartisan Safer Communities Act was an important first step to reducing gun violence, but further action is necessary to make America safe. Congress must end the gun industry’s broad immunity from being held accountable, regulate dangerous marketing practices that promote toxic masculinity, racism, and anti-government extremism, and strengthen gun laws by reinstating a ban on assault weapons and requiring licensing of firearm purchasers.

Military-style Rifles are Frequently the Weapons of Choice for Racist, Violent Extremists

In May of this year, an alleged gunman drove more than three hours to a supermarket located in a largely Black community in Buffalo, New York. There, in just a matter of minutes, 10 people were murdered and three more were injured—the overwhelming majority of whom were Black—in a brazen white supremacist terror attack. From the Charleston church shooting in 2015 to the 2019 shooting in El Paso, Texas, and the Christchurch mosque shooting in New Zealand—the latter of which allegedly inspired the shooter in Buffalo—there is a long history of firearms and white supremacy combining to terrorize racial and religious minorities. The common thread between these shootings is hatred, racism, and AR-15-style rifles.

The difference between the shootings that happened within the United States and the shooting in New Zealand is that following the tragedy in New Zealand, the country banned military-style, semi-automatic weapons. The U.S. had a similar assault weapon ban in 1994. After this ban expired in 2004, gun manufacturers ramped up sales for these deadly weapons and they have routinely been used in mass shootings ever since.ⁱ

Gun Lobby Opposes Basic Consumer Safety Measures

The gun industry is the only domestic manufacturer of a consumer product in the United States that is exempt from federal health and safety regulations. No federal agency is responsible for collecting information on safety complaints, issuing recalls for defective firearms, or requiring independent premarket safety testing.ⁱⁱ The gun industry and their lobbyists, like the National Rifle Association (NRA) and the National Shooting Sports Foundation (NSSF), continually misled the public about whether guns keep Americans safe. The evidence is overwhelming that guns are more likely to be used against people than they are to protect them.ⁱⁱⁱ The United States has one of the highest gun death rates in the world due to the gun industry valuing profits over people and gun lobbyists vehemently opposing even the most basic regulations. Gun manufacturers and gun rights groups such as the NRA are inextricably linked, creating an insidious symbiotic relationship that prevents progress on essential gun safety measures. Gun rights groups receive millions of dollars from gun manufacturers to drive misleading narratives to drive gun sales without regard for public safety. Increased Congressional oversight of the gun industry is long overdue to combat the staggering damage and loss of life caused by lax gun regulations.

On the rare occasion when a gun manufacturer attempted to go against the grain and agreed to invest in gun safety measures, they were blacklisted in the industry. In 2000, gun manufacturer Smith and Wesson agreed to work with then President Bill Clinton to make basic and necessary improvements to the design of guns to help prevent gun violence. The provisions that were initially agreed upon were investments in locking devices, smart gun technology, limiting new firearms to no longer accept a magazine larger than ten rounds, and improved safety standards. However, after this was announced, the NRA went into overtime to call on their members to boycott the gun manufacturer. The media blitz and subsequent boycott left Smith and Wesson bankrupt and almost out of business. The gun industry continues to work hand in hand with the NRA to support each other's bottom line and profit off the overproduction of deadly weapons.

White Supremacy and American Gun Culture

Guns are undeniably the weapon of choice for white supremacist extremists. According to the Anti-defamation League over the last 10 years, 75% of killings by extremists involved firearms.^{iv} According to the White House National Strategy for Countering Terrorism, firearms are a key reason why domestic extremists continue to pose a threat. Gun industry lobbyists like NSSF explicitly oppose any regulations of assault weapons despite their continued use by white supremacists and other extremists in planned attacks including the recent tragedies in Buffalo, Uvalde, Highland Park, Charleston, and countless other mass tragedies. These violent extremists are the most significant domestic terrorist threat our nation faces. With guns in hand, they are even more dangerous and lethal.^v

During the insurrection at the Capitol on January 6th, armed militia groups and known members of The Three Percenters,^{vi} Oath Keepers,^{vii} Proud Boys,^{viii} and other self-described white supremacists stockpiled and brandished firearms during the attempted coup.^{ix} As we heard in the January 6th hearings, one former member of the Oath Keepers testified that his “time with the Oath Keepers began at the Bundy Ranch” referencing the 2016 standoff between the federal agents and hundreds of anti-government extremists who armed themselves with guns. Gun manufacturers play an essential role in production and marketing of deadly weapons that are used by violent extremists, and they must be held accountable.

Marketing Guns to Violent Extremists

Firearm manufacturers and dealers do not just take a passive approach by allowing their guns to fall in the hands of dangerous individuals, they are actively and increasingly marketing guns, ammunition, accessories, and tactical gear towards extremists who support political violence. An investigation by reporters at The Trace found three dozen manufacturers and dealers featuring imagery associated with the anti-government extremist “boogaloo” movement.^x According to the ADL, “In 2020, boogalooers increasingly engaged in real world activities as well as online activities, showing up at protests and rallies around gun rights, pandemic restrictions, and police-related killings. The term ‘boogaloo’ is a slang reference to a future civil war, a concept boogalooers anticipate and even embrace.”^{xi} Self-described “Boogaloo boys” participated in the attempted kidnapping of Michigan Governor Gretchen Whitmer and the January 6th insurrection.

South Carolina firearms manufacturer Palmetto State Armory was one of the companies identified as embracing this extremist imagery, including selling a lower receiver for a military-style weapon featuring “boogaloo” imagery. Proceeds of this essential piece of an AR-15-style

rifle benefited the organizers of the January 2020 Second Amendment rally in Richmond, Virginia that prompted a declaration of a state of emergency because of fears that the armed rally could lead to extremist violence. In February 2020, Palmetto State Armory sold an AK-47-style “Big Igloo Aloha” pistol. Later that year, the company hired lobbyist Craig Metz of Nelson Mullins Riley & Scarborough in an effort to get the U.S. Senate and ATF to alter classifications of firearm accessories. Congress must act to hold gun manufacturers and dealers accountable who attempt to profit from selling weapons of war and accessories like body armor to white supremacists and extremist groups who hope for a civil war.

The Role of Big Tech and Social Media

Big Tech and social media platforms must also be held accountable for their role in facilitating gun sales without background checks and becoming breeding grounds for radicalization. Despite years of pressure by gun safety groups and elected officials, large companies like Alphabet, Amazon, Ebay, and Meta, have not done enough to prevent the sale of unregulated firearms, illegal accessories, and “ghost guns” resources. In 2016, Meta, the parent company of Facebook and Instagram, announced a prohibition on the sale or use of weapons, ammunition, explosives, and firearm parts. The same year, an internal report found that 64 percent of Facebook users who joined an extremist group only did so because Facebook’s algorithm recommended the group to them.^{xii}

Six years later, unregulated firearms are still easily found on Facebook and Instagram. Last month, Sen. Edward Markey, Sen. Robert Menendez, and Sen. Amy Klobuchar sent a letter to Meta CEO Mark Zuckerberg expressing concern that the company is far more lenient for gun sellers than other violators of its policies. Gun sellers are not removed from Facebook until they’ve been caught ten times. “Facebook’s 10-strike policy is unwarranted and dangerous,” the senators wrote. “Giving users multiple opportunities to sell weapons that can end up in the wrong hands is a loophole that calls into question Facebook’s representations about and commitment to ending gun sales on its platform.”^{xiii} Outrageously, gun sellers and buyers who actively call for violence are not penalized on Facebook until the fifth violation.

After seeing reports of Instagram quickly removing posts of individuals offering to mail abortion pills immediately following the Supreme Court Dobbs decision, an AP reporter posted the following as a test on Facebook: “If you send me your address, I will mail you abortion pills.” Facebook removed the post within one minute, saying the post violated its standards on “guns, animals and other regulated goods.” The same reporter tried again with the same post but wrote “gun” instead of “abortion pills,” but it was not flagged or removed. This demonstrates how Meta has the ability to remove posts promoting illegal gun sales or “ghost guns” instructions but chooses not to. More must be done to hold technology companies and social

media platforms accountable for their failures to take basic measures to reduce radicalization, political violence, and firearm sales that evade gun laws like background checks.

Holding Gun Manufacturers Accountable

A significant barrier to reducing gun violence and ensuring consumer safety is the Protection of Lawful Commerce in Arms Act (PLCAA). Passed by Congress in 2005, this law prevents the gun industry from being held accountable for harm caused by their products and for negligent business practices that enable gun trafficking.^{xiv} On July 20, 2022, the House Judiciary Committee held a markup session of H.R. 2814, the Equal Access to Justice for Victims of Gun Violence Act, which would repeal this law that shields the gun industry from civil liability claims.

PLCAA provides the gun industry with uniquely vast legal protections and broad immunity in courts. Since its enactment, PLCAA has largely closed the courthouse doors to victims and municipal leaders seeking redress from the courts for the harm caused by gun violence. PLCAA prevents plaintiffs from filing lawsuits against the gun industry, even in cases where these parties have been negligent and there was “criminal or unlawful misuse” of a firearm or ammunition. Many valid cases are dismissed before evidence of industry wrongdoing is even considered.

Civil litigation has historically been an invaluable method of incentivizing industry actors to adopt best practices. Consumers and the public have significantly benefited from the strategic use of civil litigation to incentivize large-scale safety improvements for potentially harmful products in the automotive, tobacco, and pharmaceutical industries. Litigation against automotive manufacturers directly led to safety innovations such as seat belts, air bags, and conspicuous brake lights. Class action lawsuits against the tobacco industry prompted a drastic shift in advertising practices and messaging and established a fund to support public health efforts related to smoking abatement.

More recently, civil litigation against opioid manufacturers and distributors has allowed individuals and communities to turn to courts for monetary relief, while also holding the industry accountable for harms caused by these actors in facilitating the opioid epidemic. However, PLCAA removes the ability to use civil litigation to pressure gun industry actors into improving product safety and preventing negligent or criminal use of their products. Before Congress passed PLCAA in 2005, litigation encouraged gun manufacturers to agree to basic safety measures, including the previously mentioned Smith and Wesson. Since 2005, there has been little movement by any manufacturers to ensure consumer safety. PLCAA is just one example of how the corporate gun lobby used its outsized influence in Congress to secure unique protections to maximize profits for firearm manufacturers and dealers.

Conclusion

Gun manufacturers continue to profit from mass shootings. The day after a gunman killed 21 people at a school in Uvalde, share prices for firearm producers increased, just as they did after massacres in Sandy Hook in 2012 and San Bernandino in 2015. The stock price for Sturm, Ruger & Company increased 4 percent on May 25, 2022, and Smith & Wesson and Vista Outdoor, the parent company of Remington Ammunition, both jumped 7 percent.

Gun manufacturers and the gun lobby they financially support stoke fears to sell more guns and make millions in blood money. Firearm sales in 2020 increased an estimated 65% over 2019.^{xv} As of March 2022, nearly one in five U.S. households purchased a gun since the start of the pandemic began in March 2020.^{xvi}

According to a survey conducted in June 2022 of over 8,000 U.S. adults, half of Americans believe “in the next few years, there will be civil war in the United States.” Nearly one in five respondents expect to be armed with a gun in a situation where they believe political violence is justified and 12% were willing to commit political violence “to threaten or intimidate a person.”^{xvii}

We cannot afford to wait any longer to hold gun manufacturers and their lobbyists accountable for their refusal to adopt basic practices to protect American lives. They have blocked public health research into gun violence, prevented access to firearm trace data that has hamstrung law enforcement’s ability to solve gun crimes and prosecute gun traffickers, and have prevented gun violence survivors from having their day in court to hold manufacturers accountable for negligible practices.

The Bipartisan Safer Communities Act contains sensible reforms that will save lives. Congress must build upon that momentum and pass more evidence-based policies to reduce gun violence, including reinstating the assault weapon ban, repealing PLCAA, and establishing federal requirements for secure firearms storage.

ⁱ Everytown for Gun Safety, Assault Weapons, available at <https://www.everytown.org/solutions/assault-weapons/> (last accessed July 2022).

ⁱⁱ Allison Jordan, CAP, Frequently Asked Questions About Firearm Safety for Consumers, available at <https://www.americanprogress.org/article/frequently-asked-questions-about-firearm-safety-for-consumers/> (last accessed July 2022).

ⁱⁱⁱ Educational Fund to Stop Gun Violence, Gun Violence in the United States, available at <https://efsgv.org/learn/type-of-gun-violence/gun-violence-in-the-united-states/> (last accessed July 2022).

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- ^{iv} Anti-Defamation League, Murder and Extremism, available at <https://www.adl.org/resources/report/murder-and-extremism-united-states-2021> (last accessed July 2022).
- ^v Center for Strategic and International Studies, The Escalating Terrorism Problem in the United States, June 2020, available at <https://www.csis.org/analysis/escalating-terrorism-problem-united-states&sa=D&source=docs&ust=1658754842906575&usq=AOvVaw087hvy98pRYy-i2GeQcyUs>.
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