

Introduction

Beyond the rhetorical debate between “gun control” and “gun rights” lies a longstanding and unaddressed problem: every year many gun owners and bystanders are killed or injured by defective or hazardously-designed guns. Consider the following real-life examples that graphically illustrate how guns with safety-related defects can kill or seriously injure gun owners and innocent bystanders.

- A gun owner took his .22 Colt single-action revolver with him on a fishing trip. He was sitting on a rock when the gun fell from his holster, struck a rock, and discharged. The bullet lodged in his bladder, damaging vital nerves and rendering him impotent.¹
- Mike Lewy was unloading his Remington Model 700 rifle in his basement apartment. As he moved the safety to the fire position in order to lift the bolt handle to eject a chambered cartridge, the gun discharged. The bullet went through the ceiling and struck his mother, who was shot in the upper left leg and required hospitalization for more than a month.²
- Carlton Norrell was changing a tire when close friend, William Kerr, accidentally dropped his .41 Magnum Sturm, Ruger Old Model revolver. The bullet struck Mr. Norrell in the temple and drilled a straight line across the front of his skull. Mr. Norrell died eight days later.³

Why do these tragedies occur? There is no question that firearms—like prescription drugs, insecticides, household chemicals, and many other products commonly found in American homes—are inherently dangerous. Consumers can’t use them without risking injury to themselves or others.

The gun lobby maintains that unintentional shootings⁴ generally occur as a result of carelessness on the part of the gun owner.⁵ Firearms industry marketing is replete with

¹ Johnson v. Colt Industries, 609 F. Supp. 776 (D. Kan. 1985), *aff’d*, 797 F.2d 1530 (10th Cir 1986).

² Lewy v. Remington Arms, Inc., 563 N.E.2d 397 (Ill. 1990).

³ Erik Larson, “Wild West Legacy: Ruger Gun Often Fires If Dropped, But Firm Sees No Reason for Recall,” *The Wall Street Journal*, June 24, 1993.

⁴ Unintentional shootings are often referred to as firearm “accidents.” This characterization, however, implies that injuries occur by chance and cannot be foreseen or prevented. Public health research has replaced the term “accident” with the more accurate term “unintentional injury.” This is based on the recognition that most unintentional injuries are preventable through the application of public health strategies including passive safety devices, public education, modification in product design, or limiting access to specific products.

⁵ “...we urge that you not purchase a firearm.”...and other comments on safe and responsible firearm use.” Third Edition, Sporting Arms and Ammunition Manufacturers’ Institute, Inc., p. 2: “Recognizing that essentially all firearms accidents are the result of carelessness or a lack of knowledge of fundamental