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Holding Our Pols Accountable for Gun Deaths

by Steve L. Baron and Nina E. Vinik

Last week, the Illinois Supreme Court slammed the courthouse doors to the City of Chicago and Cook County, and to gun victims and their families. With its decisions in two parallel cases against the firearm industry, the court threw out suits that sought to hold accountable the irresponsible gunmakers and dealers whose business practices deliver thousands of illegal guns into the hands of gang members and criminals in Chicago and across the state.

Since the cases were filed in 1998, gun violence has claimed thousands of lives across Illinois. Despite the perception that this is Chicago's problem, more than half of these victims were from outside the Chicago city limits. Every year thousands more survive their gun injuries, many facing years of painful and costly recovery. More than 10 percent of the victims are children.

So who's accountable? We hope and expect that the shooters will be punished through our criminal justice system. But locking up the criminals doesn't tell the whole story, and it doesn't solve the problem. As the plaintiffs graphically alleged, the shooters are part of a chain of gun manufacturers and sellers who maximize their profits by arming criminals.

The court glossed over the plaintiffs' serious allegations that some members of the gun industry deliberately make and sell guns that appeal to criminals, with features such as silencers, fingerprint-resistant finishes, rapid-fire capability and easy concealability.

According to the plaintiffs, the gunmakers flood the market with these guns, which cannot be legally sold in Chicago, through certain dealers in communities surrounding Chicago, knowing that they will wind up in Chicago via the illegal market. With a wink and a nod, these irresponsible dealers routinely sell to buyers who are obviously merely "straw" purchasers, dispatched to buy dozens of guns for gang members and others unable to purchase them legally.

It's worth noting that the plaintiffs were not seeking to condemn the entire firearms industry, nor were they trying to take away guns from law-abiding owners. To be sure, there are gunmakers and sellers who act responsibly. In these cases, Chicago and Cook County, and families of shooting victims, tried to go after those manufacturers, distributors and dealers that fuel and drive the market for illegal guns. But the Supreme Court has spoken, declaring that even these gunmakers and sellers cannot be held accountable in Illinois.

In its decision, the Supreme Court repeatedly described the firearm industry as "highly regulated" when, in fact, the manufacture and marketing of firearms is subject to little or no oversight. For decades the U.S. gun industry has operated with impunity under a little-known exemption (won by the gun lobby) from the federal Consumer Product Safety Act. Until last

week, this exemption left victims and communities plagued by gun violence with only the state legislatures and the courts to turn to for relief. Now that the Supreme Court has closed the courthouse doors, in Illinois the General Assembly is the last hope.

In a small consolation to those concerned about gun violence in Illinois, the court did not reject the facts at the heart of the case. Indeed, in a strong concurrence, five of seven justices called on the General Assembly to address the "disturbing" problems brought to light by the plaintiffs.

What could the General Assembly do? For starters, it could limit the number of guns that can legally be purchased by a single buyer. Similar initiatives, such as "one-gun-a-month" laws, dramatically reduce illegal gun trafficking. The legislature could license gun dealers, so that law enforcement officials can take action against dealers that knowingly sell to straw purchasers. It could ban assault weapons in the state, thereby removing this particularly lethal gun. It's not hard to devise common-sense gun laws that would protect citizens and reduce violent crime. It is hard to pass them.

And so it falls to the legislature, a body that has thus far been unwilling or unable to confront the scourge of gun crime in Illinois. The Supreme Court has made it crystal clear that our lawmakers are responsible, and must be held accountable, for curbing the proliferation of crime guns and the numbingly predictable deaths and injuries they cause. If our legislators fail to carry out this responsibility, we must not forget that they act as our representatives. Ultimately, we are all accountable.

Steven L. Baron is the Illinois co-chair of Legal Community Against Violence. Nina E. Vinik is the Illinois counsel to Legal Community Against Violence.