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HEADLINE: Gun Firms On Verge Of Winning New Shield; Liability Bill Reflects Industry, NRA Clout

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BODY:

The gun industry, demonstrating its resurgent influence over Washington politics, is on the cusp of convincing President Bush and Congress to protect it from pending and future lawsuits.

Under pressure from the National Rifle Association and a lesser-known organization funded with \$ 100 million from gun manufacturers, Bush and a majority of lawmakers are on record supporting significant new legal protections for companies that make and sell guns. The legislation would prevent victims of gun crimes from making civil claims against companies that manufactured, imported or sold the weapons.

The NRA calls the legislation a prudent way to prevent companies from going belly up simply because a criminal used their gun illegally. But critics say the measure would allow some gunmakers who misplace caches of weapons -- or dealers who sell guns to felons -- to escape civil penalties.

Victims of the Washington area sniper, for instance, might be prohibited from suing the controversial gun dealer in Tacoma, Wash., who supplied the Bushmaster rifle used in some of last October's shootings if the bill becomes law, according to legal experts.

Some gunmakers and distributors, facing numerous lawsuits nationally from victims and gun control groups and the possibility of losing hundreds of millions of dollars through jury verdicts and legal costs, worry they could be driven out of business if the cases persist.

In a bipartisan political retreat from gun control, more than two-thirds of House members recently voted for the gun bill; 52 senators have sponsored it, and, if it passes the Senate, Bush plans to sign it into law. Opponents are scrambling to persuade at least 41 senators to filibuster the bill, but odds are stacked against them.

Lawmakers cite one overarching reason for the bill's unexpected popularity, particularly among many Democrats: the ever-growing political clout of the NRA and gun activists across the country. In recent years, "gun activists really got the message across that scared the hell out of the political people," said Sen. Frank Lautenberg (D-N.J.), a leading opponent of the bill. "People are frightened of a reaction from the gun lobby. Frankly, I think we need to stand up to them."

Several lawmakers who support the legislation said privately they felt they had to vote for the bill or face the wrath of gun activists and the prospect of losing reelection. Firearms industry lobbyists have told some Democrats who traditionally vote against them that the gun coalitions would go easy on them in next year's elections if they voted to protect gunmakers and sellers from lawsuits, according to several sources.

"To be really, really candid, there are a lot of us who are often at odds with the gun lobby back home who saw this as an easy vote to give them," said Rep. James C. Greenwood (R-Pa.), who has supported most gun control legislation in the past. A top aide to a Senate Democrat who is supporting the bill called it the "Things You've Got to Do to Get Reelected Act."

It wasn't long ago that gun control activists such as Jim and Sarah Brady seemed to be striking a chord with Americans reeling from school shootings at Columbine High School and elsewhere. Over the NRA's opposition, a large

group of Republicans joined with most Democrats in 1999 to vote to clamp down on sales at gun shows. Yet their triumph was ephemeral.

The politics of gun control changed significantly just months after the Columbine shootings, as Democrats came to believe it is much more difficult to win elections in rural areas or swing states if they are perceived as hostile to gun owners. Nothing amplified this point louder for Democrats than the 2000 presidential and congressional elections.

With the NRA's vaunted political machine kicked into high gear and gun activists turning out in record numbers, Vice President Al Gore lost West Virginia, Arkansas and even his home state of Tennessee to Bush. As savvy Democratic strategists are quick to note, Gore would be president today if he had won any of these states.

"After Gore lost Tennessee, Arkansas and West Virginia, which are . . . very pro-gun, the perception, rightly so, is pushing gun control is a losing issue politically," said Erich Pratt of Gun Owners of America. As result, "it really hasn't taken much effort this year" to round up support for the liability protection, even among Democrats.

In retrospect, Gore had reason to see this coming. When he was vice president, Democrats lost control of Congress, in part, because the Clinton administration pushed for a ban on assault weapons in 1994 and several southern Democrats who backed it subsequently were defeated. The ban expires next year, which will provide the stiffest test yet of the NRA's clout in Washington and the willingness of lawmakers to cross the gun lobby in an election year. Bush supports the ban, so lawmakers will be subject to extraordinary pressure from gun groups not to renew the ban.

Rep. Thomas M. Davis III (R-Va.), the party's top campaign strategist for House Republicans in 2000, said his party won close House races in Ohio, West Virginia and Missouri, in large part, because the NRA and gun activists took aim at the local Democrats. "The gun issue was the cornerstone" of the GOP's electoral success in the 2000 elections, Davis said. "Democrats didn't even see it coming." Now, they do. No longer do most Democrats clamor for gun controls or speak ill of the NRA's influence over the political system.

Dennis Henigen of the Brady Center to Prevent Gun Violence said Democrats have been duped by exaggerated claims of the NRA's clout. He pointed to Bush's failure to win Michigan and Pennsylvania, two states with large numbers of NRA members and hunters. Nevertheless, "this contention that the gun control issue was costing Democrats dearly has taken hold," Henigen lamented.

The latest evidence: Senate Minority Whip Harry M. Reid (Nev.), the second-ranking Democrat who faces a very difficult election in 2004, reached out to the NRA late last year to work with the group on the liability bill. Reid now is one of 52 sponsors. Senate Minority Leader Thomas A. Daschle (S.D.) and several other Senate Democrats seeking reelection next year are considering joining Reid on the NRA's side. The Democratic presidential candidates have been mostly silent on the subject, too, though the upcoming Senate vote will put Sen. John Edwards (N.C.), a former trial lawyer, and Sens. Joseph I. Lieberman (Conn.), John F. Kerry (Mass.) and Bob Graham (Fla.) on the spot.

Much of the pressure is coming from the little-known National Shooting Sports Foundation, which has raised \$ 100 million over the past five years from gunmakers to fight lawsuits and fund its national political campaign. The foundation entered the political arena in the fall of 1998, when gun control advocates turned to local governments and others to sue gun manufacturers and dealers as a way to clamp down on the industry.

The nation's biggest gunmakers, including Smith & Wesson and Remington, contribute a portion of their annual income to the foundation to underwrite the campaign, according to foundation spokesman Gary Mahalik. "On the political side, we have spent millions of dollars on advertising" to pressure lawmakers to back the gun liability bill, Mahalik said. He said the foundation is readying a new round of ads likely targeting Daschle and other Senate Democrats who have not endorsed the legislation.

The foundation is contacting employees at gun companies to write and call their lawmakers and reach out to other gun activists.

At the same time, the NRA and other groups have prodded millions of gun owners to do the same. "It is crucial you call both your U.S. senators and urge them to help bring an end to predatory, meritless lawsuits designed to wipe out the firearm industry," reads an NRA plea to its members.

The NRA, although a major donor to Republicans, derives much of its clout from its ability to pressure lawmakers with face-to-face meetings from local gun owners and letter-writing campaigns. The NRA Political Victory Fund has spent more money on campaigns in the first three months of this year than all but three of the nation's political action

committees -- \$ 617,000, according to PoliticalMoneyLine. Much of the money goes to state parties and local politicians.

In recent years, "pro-gun forces have been more effective politically in terms of generating votes and support" than gun control groups, said Rep. Earl Pomeroy (D-N.D.), who narrowly won reelection in 2002 and recently supported the liability bill.

To be sure, gunmakers and sellers aren't the only companies on the verge of winning new legal protections from the federal government. Congress is close to providing new, albeit more limited, legal protections to corporations slapped with class action lawsuits and nearing a global settlement for companies that used asbestos products. These proposals, which have been in the works for many more years, stop well short of providing immunity from lawsuits and face much stiffer resistance from most Democrats and some moderate Republicans than the fast-moving gun liability bill has.

What makes this gun debate even more remarkable is the willingness of so many Democrats to cross trial lawyers, who are among their biggest political donors and supporters, to protect themselves from gun activists. Trial lawyers stand to make millions of dollars each year representing victims of gun crimes in court cases against manufacturers and distributors.

Henigen, a key leader in opposition to the liability bill, said the gun industry has benefited greatly from the timing of this debate and the fact that trial lawyers have been busy fighting limits on medical malpractice lawsuits and other tort measures. The House passed its version while the country was at war with Iraq. Henigen and other opponents, including an NRA activist turned gun control advocate, are hoping the Senate will pay more attention to the details. In addition to highlighting the Washington sniper cases, critics of the liability plan are digging up cases in hopes of proving the NRA isn't just trying to protect honest gunmakers from frivolous cases.

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