

Remington's Insurer Pays the Danegeld; The Rest of Us are Stuck with the Dane

In 2012, 20-year-old Adam Lanza shot his mother in the head four times as she slept before driving to Sandy Hook Elementary School, where he murdered 27 students and faculty members before killing himself.

Connecticut's Office of the Child Advocate attributed Lanza's actions to "severe and deteriorating internalized mental health problems" combined with "access to deadly weapons."

On February 15, an insurance company representing Remington Arms, the maker of one of the guns Lanza used (a Bushmaster XM15-E2S rifle), settled a lawsuit with a wounded teacher who survived the Sandy Hook massacre, as well as the families of nine of the dead. The plaintiffs will receive \$73 million.

The lawsuit was illegal under the Protection of Lawful Commerce in Arms Act, and therefore correctly dismissed in 2016 by the Connecticut State Superior Court.

Ignoring that law, the Connecticut Supreme Court revived it as a completely meritless claim under the state's Unfair Trade Practices Law. Remington, the plaintiffs pretended, was responsible for Lanza's actions because of its marketing practices.

Remington didn't sell the gun to Lanza. Nor did Remington sell the gun to a third party who sold it to Lanza. Lanza didn't buy the gun. He stole the gun, from the mother he murdered with another gun, also hers, and not made by Remington.

He also stole her Honda Civic to get himself to the school where he committed his final crimes. But, oddly, the Office of the Child Advocate's report doesn't mention "access to cars" as a factor in the massacre, nor have the plaintiffs filed suit against Honda.

How did a zombie loser of a lawsuit like this make it so far? Because politics, that's why.

Whatever actual damages and pain the plaintiffs suffered, those damages and pain were not caused by Remington or Honda selling perfectly legal items — and not even to the perpetrator, but to another victim.

Nor were those damages the real point of the lawsuit. It was a "lawfare" project — abuse of the legal system to conduct political and financial warfare — from beginning to end. It was pursued on behalf of, and with the support of, groups dedicated to disarming prospective future victims of mass shootings.

Those groups refer to their preferred policies as “gun control” because “victim disarmament,” while far more accurate and honest, isn’t good marketing.

The point of this vexatious litigation was to discourage insurers from covering gun manufacturers. Not because those manufacturers are actual liable in any sense for other people’s use of their products, but because the plaintiffs and their supporters want to make it harder for you to get those products.

It’s a Pyrrhic victory. With more than 400 million guns already in the hands of Americans, and an an ever-increasing ability to manufacture guns at home without government “oversight,” they’ve already lost the war.

The unfortunate fallout of this “landmark” case won’t much affect the availability of guns. But, Remington’s insurers having paid the Danegeld, we’ll almost certainly see the Dane relying on the same bad arguments to loot manufacturers of other products.