



Written by [Bob Adelman](#) on August 8, 2024

Mexico's "Long Shot" Lawsuit Against American Gun Makers Quashed

Mexico's attempt to extort \$10 billion from a group of American gun manufacturers [ended on Wednesday](#) when a judge ruled the country had no jurisdiction.

Judge Dennis Saylor, a Harvard Law School graduate and judge with the Foreign Intelligence Surveillance Act before being nominated by then-President George W. Bush in 2004 to his present position as district judge in Massachusetts, declared that the foreign government didn't have jurisdiction sufficient to make the claim.



The Original Lawsuit

[The original lawsuit](#) was brought by Mexico (officially the United Mexican States) in 2021. Claiming that Mexico's horrendous homicide rate (five times that of the United States) could be blamed on America's gun makers, it charged Smith & Wesson, Barrett Firearms, Beretta, Colt, Glock, and others with deliberately and intentionally designing and marketing its products to make them attractive to Mexico's drug cartels. At the time, Adam Winkler, a law professor and expert on gun policy at UCLA, [called it a "long shot."](#)

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Mexico filed the suit in Boston, a notably anti-gun city in a notably anti-gun state, in a court that would likely reflect such a point of view. The judge ruled that "while the court has considerable sympathy for the people of Mexico, and none whatsoever for those who traffic guns to Mexican criminal organizations, it is duty-bound to follow the law."

The "law" in question was the protective barrier erected by Congress in 2005 to keep frivolous and expensive lawsuits like this one from bankrupting the gun manufacturing industry: the Protection of Lawful Commerce in Arms Act, or PLCAA. It specifically "prohibits civil liability actions from being brought ... against manufacturers ... for damages ... resulting from the misuse of their products by others."

But Mexico appealed, and Saylor's decision was overruled. The appeals court said that an exception to the PLCAA existed: gun makers could be held liable for "criminal misconduct." Attorneys for the gun makers appealed, using a different tack: Mexico had no jurisdiction to bring the suit in Massachusetts.



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The Latest Ruling

From Wednesday's ruling:

The core question for jurisdictional purposes is whether Mexico's claims against the six moving defendants [the gun manufacturers and dealers] "arise" from their business transactions in Massachusetts....

As to those defendants [Mexico], the connection of this matter to Massachusetts is gossamer-thin at best. The government of Mexico is obviously not a citizen of Massachusetts.

None of the six moving defendants is incorporated in Massachusetts, and none has a principal place of business in Massachusetts.

There is no evidence that any of them have a manufacturing facility, or even a sales office, in Massachusetts.

None of the alleged injuries occurred in Massachusetts.

No Massachusetts citizen is alleged to have suffered any injury.

And plaintiff has not identified any specific firearm, or set of firearms, that was sold in Massachusetts and caused injury in Mexico.

That should have been the end of the matter.

But the judge reviewed the evidence, or lack of same, that forced his conclusion, just in case Mexico wanted to appeal to the U.S. Supreme Court. He wrote:

Plaintiff contends that this court has personal jurisdiction over the six moving defendants because each of them sold firearms in Massachusetts to resellers and—because of their allegedly unlawful distribution practices—some of those guns were trafficked into Mexico for criminal purposes.

Each of the six defendants contends that plaintiff has not shown that its business activities in Massachusetts was a but-for cause ["but for the existence of X, would Y have occurred?"] of the alleged injuries, as required by [Massachusetts'] long-arm statute, nor that those activities are sufficiently "related to" the pleaded claims, as required by constitutional due process.

Mexico presented its argument as:

[T]he complaint asserts that "some or all" of the six moving defendants sold some weapons to individual dealers in Massachusetts, and that some weapons sold by those dealers—although not necessarily those supplied by the six defendants—were illegally trafficked to Mexico.

Plaintiff has provided no specific proof to support that claim....

Without any such connection, there is no basis to assert personal jurisdiction under the Massachusetts long-arm statute....



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Plaintiff has thus failed to meet its burden to produce any specific and plausible allegations, or any specific evidence, that the claims at issue arose from transactions in Massachusetts by the six moving defendants.

The requirements of the long-arm statute are therefore not satisfied....

For the foregoing reasons, the motions of defendants Barrett Firearms Manufacturing, Inc.; Beretta U.S.A. Corp.; Century International Arms, Inc.; Colt's Manufacturing Company, LLC; Glock, Inc.; and Sturm, Ruger & Co., Inc. to dismiss for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) are GRANTED.

This case shows the extent to which anti-gun forces in the United States — and outside enablers like Mexico — are willing to go to damage and eventually eliminate the private gun-manufacturing industry in this country. The ruling is favorable one to a skirmish in the long war against private gun ownership.

But the outcome of that long war remains in doubt.

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