



Written by [James Murphy](#) on December 25, 2022

Buffalo, N.Y., Sues Gun Makers Under New “Public Nuisance” Law

On Tuesday, the City of Buffalo, New York, filed a lawsuit against dozens of U.S. gun manufacturers, alleging that those companies have “created, contributed to, and maintained the public nuisance of unlawful possession, transportation and disposition of firearms and the utilization of guns.”

Among the manufacturers being targeted by the Buffalo lawsuit are Smith & Wesson Brands, Inc.; Beretta U.S.A. Corp.; Bushmaster Firearms Industries, Inc.; Colt’s Manufacturing Company, LLC; Glock, Inc.; Sig Sauer, Inc.; and Ruger & Co., Inc. In fact, the suit appears to name every major gun manufacturer operating in the United States.



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The lawsuit also names Polymer80, a manufacturer who sells gun kits, also known as “ghost guns.”

According to the City of Buffalo, these gun makers have engaged in marketing that emphasizes high capacities and ease of concealment, targeted advertising and “supplying more firearms than the legitimate market can bear,” which, in their view, has led to an increase in gun crime in the city.

“These actions have created, maintained, or contributed to a condition in the City of Buffalo that endangers the safety and health of the public,” the lawsuit claims.

“Members of our community have suffered too much for too long from gun violence,” said Mayor Byron Brown. “We must do everything we can to decrease gun violence. Enabling the possession of illegal guns destroys lives and deeply affects our neighborhood, especially in Black and Brown communities.”

Gun violence has been on the rise in Buffalo since 2020, when 355 were victims of shootings in the city.

And in May of this year, the city experienced a mass shooting at an East Side supermarket where 10 were killed and three injured. Police say an 18-year-old purchased a weapon with a high-capacity ammunition magazine (already illegal in New York). The gunman is said to have purchased the weapon legally in Pennsylvania.

The supermarket shooting may have been racially motivated, as the gunman reportedly wrote a manifesto claiming that he was an “ethno-nationalist” who supported “white supremacy.”

The lawsuit alleges that the gun makers “are aware that criminals are an important segment of the gun industry market,” but they do “nothing” to prevent criminals from getting the weapons.

The city is further vexed that “a significant percentage of handguns that have been used in crimes in New York have historically originated in states that have weaker gun laws.”



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Buffalo's main contention is that the gun makers create a "public nuisance" by creating their product and advertising it for sale. The city claims that gun makers "caused, maintained, and/or contributed to this crisis for their own profit, and must be held accountable."

Historically, nuisance lawsuits of this type were meant to hold companies responsible for creating water pollution or other toxic residue of their commerce. But recently, gun makers have come under attack from this type of lawsuit as well.

New York, New Jersey, and Delaware have all recently passed legislation authorizing their attorneys general to sue gun makers over violence committed with guns. The New York bill, which passed the state Legislature in July of 2021, was challenged in court by the National Shooting Sports Foundation and several gun manufacturers, but in May of this year a federal judge ruled that the law may go forward.

Buffalo also asserts that gun makers have violated portions of New York's business regulations, which prohibit deceptive or dangerous business practices. The city is seeking unspecified compensatory, punitive, and treble damages plus attorneys' fees.

The gun manufacturers have been mainly quiet regarding the Buffalo lawsuit thus far, although Bushmaster said in a statement: "We have not had a chance to review the allegations in full at this time, but upon first blush, the verified allegations against Bushmaster Firearms Industries, Inc. are false."

The gunmaker labeled Buffalo's charges as "potentially libelous."

"Our counsel is currently reviewing the complaint and evaluating a path forward to address both this lawsuit and the potentially libelous claims made against Bushmaster Firearms Industries, Inc.," the gun maker said.

Buffalo is attempting to blame their crime problem on inanimate objects instead of on the perpetrators of the crimes. New York laws are soft on criminals and hard on the tools that criminals sometimes use. Unfortunately, those same tools can be used to thwart criminals by law abiding citizens who, increasingly are finding the tools harder to come by.

It's much easier for Buffalo officials to attack gun makers rather than to address the real issue when it comes to crime in their city and their state — because addressing the real problem would involve soul searching and a good long look in the mirror.



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