



GLOBAL ACTION
ON GUN VIOLENCE

ActionOnGuns.org

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**BREAKING: Co-Counsel for Mexico Reacts to Supreme Court
Decision in Landmark Gun Case**

***Court: U.S. gun industry shield law immunizes gun manufacturers
from liability for some aiding gun trafficking to Mexico, but leaves
door open for future liability
Estados Unidos Mexicanos v. Smith & Wesson***

(WASHINGTON) Today, in its first decision ever on gun industry liability, the [U.S. Supreme Court ruled](#) that the U.S. gun industry shield law prohibited Mexico's lawsuit against seven gun manufacturers and one distributor, *Estados Unidos Mexicanos v. Smith & Wesson*, reversing a unanimous federal appeals court decision that allowed Mexico's claims that U.S. gun manufacturers aid and abet illegal gun trafficking across the border to proceed.

The Court held that, notwithstanding Mexico's allegations of knowing illegal conduct by the manufacturers, the Protection of Lawful Commerce in Arms Act (PLCAA) shields manufacturers from liability unless there are claims that they participated in illegal sales with an intent that those sales succeed.

However, the Court refused to accept the gun industry's arguments that it could never be the proximate cause of damage to Mexico, and the Court's opinion would allow gun manufacturers and dealers to be liable in future cases with additional facts. Global Action on Gun Violence is co-counsel for Mexico, along with Shadowen LLC, in this case as well as a pending lawsuit brought by Mexico against five Arizona gun dealers, which is in discovery.

Global Action on Gun Violence's founder and president Jonathan Lowy stated: "While we strongly disagree with the Court's decision, it did not dispute Mexico's detailed claims that the U.S. gun industry deliberately supplies the crime gun pipeline to profit from the criminal market.

The Court also did not accept the gun manufacturers' sweeping arguments that would have immunized them from virtually all liability for their wrongdoing. Mexico's lawsuit was dismissed only because of Congress's special interest giveaway for the gun lobby.

“The fact that PLCAA can be used to protect the crime gun profits of the worst of the worst in the gun industry when they supply crooked gun dealers is the clearest evidence yet that the gun industry’s special interest get-out-court-free card must be revoked.

“However, the Court made clear that the door to accountability for the gun industry is not shut, and we look forward to working with Mexico further to stop the crime gun pipeline that makes Mexicans and Americans less safe.”

Mr. Pablo Arrocha Olabuenaga, the Legal Adviser for Mexico's Foreign Ministry, stated: “Mexico brought the first lawsuit ever by a sovereign country against the gun industry as one part of a comprehensive strategy to stop gun violence. That bold action started a promising new international movement to stop the crime gun pipeline from the U.S. gun industry. While we are disappointed with the decision from this Supreme Court, we are convinced of the strength of our arguments and the evidence that upholds them, and we are encouraged by the support at home and abroad for Mexico's actions.

“The Mexican Government will continue to do everything in its power to protect Mexicans and to stop the crime gun pipeline. We are pursuing our lawsuit against gun dealers in Arizona, which the court has upheld; we are awaiting a decision from the Inter-American Court for Human Rights; we are making our case that the crime gun pipeline must be stopped to the OAS, the U.N., and the United States Government. We are considering all options to expand and bring more legal actions, and we are convinced we will prevail.”

Mexico filed its suit in August 2021. In its January 2024 decision, the First Circuit concluded that Mexico had sufficiently alleged that “defendants [the gun companies] aided and abetted the knowingly unlawful downstream trafficking of their guns into Mexico.” The appeals court reversed a decision by U.S. District Court Judge F. Dennis Saylor IV who had dismissed the case, holding that PLCAA gives the gun industry immunity from civil liability in the United States.

About Global Action on Gun Violence

GAGV is registered under the FARA as an agent for the Governments of Mexico and the Bahamas. Additional information is available at the U.S Department of Justice, Washington DC. Global Action on Gun Violence (GAGV) is the only non-profit organization working to end global gun violence through litigation, international action, and human rights, and draws on over 25 years' experience litigating against the gun industry. Find out more about GAGV's [work with Mexico](#).

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