

Reading One:

A Lawsuit to Hold Remington Arms Accountable

In February 2022, the gun manufacturer Remington Arms agreed to pay a \$73 million settlement in a liability lawsuit brought by the nine families whose loved ones were killed by an armed gunman in the 2012 school shooting at Sandy Hook Elementary School in Newtown, Connecticut. The lawsuit marked the [first time in U.S. history](#) that a gun manufacturer was compelled to pay a settlement in a mass-shooting lawsuit.

The lawsuit began eight years ago, in 2012, after the horrific Sandy Hook massacre, in which a shooter used a semi-automatic rifle made by Remington Arms to kill 20 first-graders and six educators. Parents in the court case focused on how the Newtown shooter used a gun that was advertised specifically to young, troubled males. The goal of the plaintiffs was not only to hold the company accountable for the deaths of the victims, but also to open up larger conversations about gun culture and “toxic masculinity” in America.

Writing for the Los Angeles Times on February 15, reporters Jenny Jarvie, Richard Winton, and Molly Hennessy-Fiske explained this settlement. They wrote:

For gun control advocates, the Sandy Hook settlement represents a rare and historic victory....

The settlement is the largest in U.S. history involving a gun maker and relatives of mass shooting victims — but its significance goes beyond money. The legal agreement also offers an unusual step toward transparency: It requires Remington Arms Co., America’s oldest gun manufacturer, which filed for bankruptcy in 2020, to release thousands of pages of internal company documents, including plans for how to market the weapon.

“This case was never about damages in the sense of compensation,” Josh Koskoff, the families’ lead attorney, said in a Tuesday news conference. “It was about damages in the sense of forcing change. It was about damages in the sense of realizing the goals of these families, to do whatever they can to prevent the next Sandy Hook.”

For the firearms industry, the settlement is a major defeat that opens up the prospect of further litigation. For 17 years, gun makers have faced almost unique immunity from lawsuits thanks to the Protection of Lawful Commerce in Arms Act, or PLCAA, a sweeping 2005 federal law championed by the National Rifle Association and signed into law by President George W. Bush. It protects firearms manufacturers and dealers from being held liable when their products are used in deadly crimes.

“This is a pivotal moment in the effort to use civil litigation to hold gun manufacturers accountable for how they market and sell their products,” said Heidi Li Feldman, a professor of law at Georgetown University.

<https://www.latimes.com/world-nation/story/2022-02-15/sandy-hook-families-settle-with-gun-maker-remington>

The Remington settlement comes amid a surge of youth-led activism around gun control following the shooting at Parkland High School in Florida in 2018, in which [17 people](#) were killed and many others were injured. After Parkland, students who became leaders in the gun control movement used a variety of creative tactics to advance public safety. They organized the [March For Our Lives](#) in March 2018, the single largest protest against gun violence in American history. They also put pressure on elected representatives to enact stricter gun control laws; and they were able to secure [67 new gun safety laws across 26 states](#).

With the drive for [federal gun control legislation](#) encountering gridlock in Congress, the activists have also looked for other ways to take on the gun industry. One has been to launch campaigns against gun manufacturers.

Shortly after the Parkland shooting, activists whose loved ones were killed pressured businesses to cut their ties with Remington Arms, which had made the firearm used in the massacre. In June 2018, reporters Ron Hurtibise and Lisa J. Huriash, writing in the South Florida Sun Sentinel, described the activists' success in convincing companies to divest:

Bank of America has sold its interest in gun manufacturer Remington Outdoor Co. and made peace with anti-gun activists in the Parkland community.

The bank ... sent several key executives to Parkland to meet with a group of about 16 parents of victims killed in the Feb. 14 massacre at Marjory Stoneman Douglas High School — and assure them it's keeping its pledge not to financially back makers of military-style assault weapons sold for civilian use.

"We had a great meeting," said Fred Guttenberg, the father of victim [Jaime Guttenberg](#), 14. "The good news is that Remington is no longer part of their [investment] portfolio."

The meeting, at the bank's Parkland Isles Branch, was convened following criticism from Guttenberg and other Parkland families about Bank of America's stake in a financing deal to help Remington emerge from bankruptcy. Other participants in the meeting included Mitchell and Annika Dworet, parents of victim [Nicholas Dworet](#), 17; and Phil Schentrup, father of victim [Carmen Schentrup](#), 16....

Guttenberg on Thursday said the Parkland community would support the company [Bank of America] as it is supporting [two other companies, Dick's Sporting Goods and Walmart](#), that changed its gun sales policies after the Stoneman Douglas shooting....

Jim Mahoney, a strategy and public policy executive with the bank, said by phone that he was moved by what he heard from the Parkland parents at the meeting.

"It was really apparent that the pain and anguish of the community and, in particular, the parents of students who were murdered was unimaginable," he said. "It was an honor just to be in the room with them. It was very clear that a very strong spirit has emerged within the group that is tying them together and helping them get through this horrendous part of their lives.

“Hearing the stories of students who were murdered is something I’ll never forget. It was very, very moving.”

<https://www.sun-sentinel.com/local/broward/parkland/florida-school-shooting/fl-bz-florida-school-shooting-boa-parkland-parents-meet-20180607-story.html>

Amid pressure from activists on many fronts, Remington Arms filed for bankruptcy in 2018 and again in 2020. Therefore, the insurance companies that backed the company will now be responsible for paying the settlement from the legal case.

February 2022 marked the fourth anniversary of the Parkland shooting and brought renewed vows by advocates to [continue](#) their efforts to win gun control and promote public safety. These campaigners hope the Remington Arms settlement will set a new precedent for holding corporations accountable, and that it will also help propel forward other efforts to advance gun control legislation.

For Discussion:

1. How much of the material in this reading was new to you, and how much was already familiar? Do you have any questions about what you read?
2. According to the reading, what is the significance of the Remington Arms settlement? Why is this a unique victory for gun control activists?
3. The lawsuit was part of a broader campaign by activists against gun manufacturers, which included the tactic of “divestment”— that is, convincing other businesses to cut ties with companies that made guns used in mass shootings. Have you heard of divestment campaigns before? Why or why not might this be effective?
4. Those who have lost loved ones in mass shootings, including students from Parkland High School in Florida, have pursued a variety of approaches to combat gun violence. These include protests, lobbying elected officials, launching boycott and divestment campaigns, and pursuing justice in the courts. Which of these approaches do you think might have the most impact? What might be the effect of using many of them in combination with one another?
5. How does a lawsuit take on a different significance in the context of a social movement struggle than it might if it involved a dispute between just a few individuals? Can you think of any other court cases in American history that were important not only as legal precedents, but because they complemented wider efforts to organize for justice?

Reading Two

Gun Marketing and “Toxic Masculinity”

Before the settlement between Remington Arms and the families of those killed in the Sandy Hook massacre, the idea that gun manufacturers would be held accountable for school shootings was an unlikely notion. Victims could not sue the gunmakers for producing a defective product, because in fact the issue was that the guns these companies made were all too effective in having a deadly effect. Moreover, federal legislation had shielded gun manufacturers from liability in cases of criminal gun violence.

How, then, could a legal strategy against gunmakers succeed in court?

Advocates in the gun control movement refused to accept that it was hopeless to target the manufacturers. Instead, they found a creative way to sue Remington Arms. This involved focusing on the marketing strategies that the company had used to boost gun sales. In particular, the families [argued](#) that Remington violated Connecticut’s Unfair Trade Practices Act, which prohibits “advertisements that promote or encourage violent, criminal behavior.”

The families and their lawyers contended that Remington Arms used specific marketing tactics to influence impressionable young men to purchase guns, such as placing ads for guns in popular video games. Writing for The Washington Post in February 2022, reporter Kim Bellware outlined some of the points discussed in the courtroom:

Nicole Hockley, whose 6-year-old son, Dylan, was among the victims, accused Remington of prioritizing profit over safety.

“It used reckless marketing tactics that appeal to at-risk and violence-prone young men,” Hockley said, summarizing the families’ argument against Remington. “Marketing that is targeted to those who want to appear more intimidating, more powerful and more masculine though their use of their AR-15s.”

The narrowed lawsuit was filed under the Connecticut Unfair Trade Practices Act and contended, among other things, that the Bushmaster was a “combat weapon” designed for war, yet Remington improperly marketed it to civilians....

In one marketing campaign [lead lawyer Josh] Koskoff described to reporters, Bushmaster enabled people to “report your friend for not ‘being a man’ because they didn’t own a Bushmaster” and submit the friend’s email address to the company so they would be notified.

“Bushmaster in particular was the brand associated with things that are not legal, like combat for civilians and assaultive type things,” Koskoff said.

The decision to focus narrowly on Remington’s marketing is what ultimately lifted the suit from long-shot to pathbreaking.

<https://www.washingtonpost.com/nation/2022/02/15/remington-sandy-hook-settlement/>

Unique to this case, the families refused a settlement until they could win a deal that would require Remington to publicly release internal documents that revealed their marketing strategies. Much like the documents uncovered when [tobacco companies](#) were sued in past decades, the documents provided insights into how Remington Arms sold its products.

In particular, the families and their lawyers highlighted the ways in which the company appealed to “toxic masculinity,” and what Shannon Watts, founder of Moms Demand Action, [describes](#) as “the cultural idea that manhood is defined by violence and aggression to maintain power or strength.” (A study in the [Journal of School of Psychology](#) uses this definition of “toxic masculinity”: “the constellation of socially regressive [masculine] traits that serve to foster domination, the devaluation of women, homophobia, and wanton violence.” For more, see [this article](#) in Medical News Today.)

Given [statistics](#) indicating the men are responsible for more than 90 percent of murders worldwide, advocates such as Watts argue that toxic masculinity—along with the widespread availability of guns—drives not only mass shootings, but also domestic violence and other violent crimes.

Reporting for MSNBC on February 20, 2022, opinion columnist Liz Plank wrote:

It’s been well established that companies that exploit gender stereotypes to prey on women’s self-doubt [are harmful to society](#). But the [lawsuit filed by families of the victims of the 2012 Sandy Hook mass shooting](#) against gun manufacturer Remington might help to show how men are just as vulnerable to damaging gender ideals....

["Consider your man card reissued."](#) That’s how a 2012 ad from Remington read below the image of the Bushmaster AR-15 rifle. It was [featured in Maxim](#), a magazine whose readership is [primarily made up of young impressionable men](#). The semi-automatic rifle Remington was marketing was similar to the Bushmaster XM15-E2S rifle, which Adam Lanza used a few months later to mass murder 20 first-graders and six educators at Sandy Hook Elementary School.

The ad was part of a panopticon-esque marketing campaign targeting men and encouraging them to police one another’s gendered performance. One of the ads in the campaign enlisted men to [report peers for not “being a man,”](#) even to share other men’s personal email addresses so that they could receive [notices to revoke each other’s “man cards.”](#) The Remington company website featured a test for men to learn how manly they were by asking them to answer such questions as whether [tofu was acceptable for a man to eat, or figure skating for a man to watch](#). It described one proverbial user as “unmanly” because he “avoids eye contact with tough-looking fifth graders,” slapping him with the fate of having his “man card revoked.” The not-so-subtle subtext was clear: Manhood is precarious, and the best way to hold on to it is to get a gun.

Remington unabashedly capitalized on unrealistic and regressive ideals of masculinity where the intended effect seemed to be to humiliate men into arming themselves with combat weapons. And while it’s a cruel tactic, it’s an effective one, given the well-documented data showing that a great way to get men interested in guns is to threaten their masculinity. [Research](#) shows that men whose manhood is undermined are more likely to express a desire to own guns. It makes

sense when you look at the way guns are portrayed in our society: as a quick gateway to membership in the alpha male club....

The case sets a novel and remarkable precedent for gun manufacturers to be held liable for expressly preying on men's specific vulnerabilities, especially when the link between masculinity and domestic violence and school shootings has been [so widely researched and supported](#).

<https://www.msnbc.com/opinion/msnbc-opinion/gun-maker-sandy-hook-settlement-exposed-predatory-ads-n1289394>

Though it is impossible to say for sure why the shooter committed mass murder at Sandy Hook Elementary School, the Remington case has opened a conversation about the cultural ideas that drive violence, as well as the role of the gun industry in propagating harmful gender norms.

For Discussion:

1. How much of the material in this reading was new to you, and how much was already familiar? Do you have any questions about what you read?
2. According to the reading, what strategy did the families of Sandy Hook victims and their lawyers use to argue that Remington Arms was responsible for gun violence, in spite of laws shielding such manufacturers from liability when their products are used in crimes?
3. Why do you think the families refused an earlier settlement that would have allowed Remington to avoid publicly releasing internal documents about their marketing strategies? Why was it important to them to hold out on this point?
4. According to the reading, what is "toxic masculinity"? How have gun manufacturers appealed to this in their advertising?
5. Do you think that there is a compelling connection between problematic conceptions of "manhood" and mass shootings or other violent crimes?
6. Do you think social pressure to "be a man" has impacted you or your friends? Do you think this impact is negative or positive? In what ways?
7. What do you think: Should gunmakers be considered responsible for how their products are used? Why or why not?