



Legal Action

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Gun Industry Protection Law Ruled Unconstitutional

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Legal Action is published by the Legal Action Project of the Brady Center to Prevent Gun Violence.

On October 23, 2006, almost a year to the day from when President Bush signed the deceptively-named "Protection of Lawful Commerce in Arms Act" (PLCA) as a favor to the gun lobby, an Indiana Court found the law unconstitutional. Judge Robert A. Pete ruled that the suit brought by the City of Gary against more than a dozen manufacturers and gun dealers could move forward despite the PLCA. *City of Gary v. Smith & Wesson*, No. 45D05-05-CT-0243 (Ind. Sup. Ct., Oct. 23, 2006). The decision by Judge Pete marks the first time a court found the PLCA unconstitutional. Brady Center lawyers have represented Gary in its lawsuit since its filing in 1999.

The PLCA was passed in October 2005 in an effort to grant special protection from legal accountability for gun manufacturers, distributors, and dealers. The Brady Center vowed to fight the new law in court, arguing that exceptions within the statute permit specific cases to go forward and that the law itself is unconstitutional.

In *City of Gary*, the court ruled the PLCA violates the U.S. Constitution on two grounds. First, the court held the law violates Due Process because Congress did away with the City's lawsuit without providing any alternative remedy. "[L]aws that serve as a deprivation of existing rights are particularly unsuited to a democracy such as ours," Judge Pete

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- ✓ The ruling in *City of Gary* is the latest in a series of setbacks for the gun industry as it seeks to use the new federal legal protection law to defeat Brady Center Lawsuits.
- ✓ *Oliver v. Lou's Loans, et al.*, No. 1836 (C.C.P. Pa., June 23, 2006); and
- ✓ *Arnold v. American Security et al.*, No. 3118 (C.C.P. Pa., June 23, 2006). State court in Pennsylvania ruled that two cases brought by individual gun violence victims can go forward on allegations that defendants have violated state and federal statutes.

Defendant gun companies lost their appeal to the intermediate court of appeals and the parties are in pretrial discovery.

- ✓ *New York v. Beretta*, 401 F.Supp.2d 244 (Dec. 2, 2005). Federal district court rules New York City lawsuit can go forward because the case alleges that gun makers knowingly violated New York's public nuisance statute, which the court found was a "state ... statute applicable to the sale or marketing of [firearms]" under one of the exceptions to the PLCA. Industry defendants have appealed.

- ✗ The Superior Court in the District of Columbia granted defendants' motion to dismiss, incorrectly finding that PLCA bars claims brought under a District law requiring any gun company selling an assault weapon to pay damages for injuries caused by the weapon inside Washington, D.C. *D.C. v. Beretta*, No. 2000-CA5-428B (Sup. Ct., May 22, 2006). The District has appealed the decision.

The Brady Center to Prevent Gun Violence is a nonprofit, education, research, and legal advocacy organization established in 1983 to reduce the tragic toll of gun violence in America.

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After President Bush signed into law the gun lobby's coveted legislation to limit the legal liability of gun sellers, I pledged in these pages that the Brady Center would challenge its constitutionality in courts throughout the Nation. We knew it would be a difficult and protracted legal struggle. Important battles, however, already have been won.

Almost one year to the day after the bill became law, an Indiana court became the first in the nation to declare the new legislation unconstitutional. Judge Robert Pete saw the statute for what it is: a victory for a narrow special interest in derogation of democratic principles. Noting that the statute was "clearly... passed in response to pressure from the gun industry," Judge Pete ruled that "laws that serve as a deprivation of existing rights are particularly unsuited in a democracy such as ours."

The Indiana decision was the latest in a series of defeats for the gun industry's efforts to use the new law as a shield against legal accountability. In three other Brady Center cases, courts have found that the statute does not bar the claims brought against irresponsible gun sellers. To this point, the gun industry has found few judges sympathetic to its claim of special legal protection enjoyed by no other industry. Instead, the courts have been anxious to construe the new law narrowly, or to strike it down altogether.

The gun lobby's recent efforts have fared no better in the legislative arena. As the last Congress wound down, the NRA launched a last-ditch campaign to ram through its dangerous agenda. When the smoke cleared, it had accomplished nothing. The Congress did *not* pass the NRA's bill to protect corrupt gun dealers and emasculate the federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

Our new Gun Industry Watch program played a key role in exposing the public safety threat of these proposals.

The Congress did *not* pass the NRA's bill to criminalize the sharing of crime gun trace data revealing the most dangerous gun dealers. The Congress did *not* pass the NRA's bill to make it easier for gun traffickers to patronize corrupt dealers in other states.

Our new *Gun Industry Watch* program played a key role in exposing the public safety threat of these proposals. For example, we released our investigative report, *Lethal Lou's*, which tells the story of notorious Philadelphia-area gun dealer Lou's Jewelry and Loan. Lou's did a robust business with gun traffickers for twenty years before ATF was able to shut it down. Why? Because ATF's hands are tied by irrational restrictions on its investigative and enforcement power. Yet the NRA lobbied the last Congress for legislation

that would have made ATF even weaker. Our most recent report, *NRA: A Criminal's Best Friend*, tells the long, sorry story of the NRA's history of attacking federal law enforcement, of which the gun lobby's efforts in the last Congress mark only the latest chapter. Set against this shameful history, the NRA's call in recent years for the federal government to "enforce existing gun laws instead of passing new laws" is nothing but rank hypocrisy.

As we look to the future, there is every reason for optimism. The elections in November were an unmitigated disaster for the gun lobby, as 109 NRA-supported House candidates, and 20 in the Senate, went down to defeat. Incredibly, the NRA spent over \$2.5 million in independent expenditures in the election and *over 80% of its money was spent supporting losing candidates*. Longtime champions of sensible gun laws, like Rep. John Conyers (D-Mich.) now head key Congressional Committees. Support for action against illegal guns is intensifying across the country. Mayors Bloomberg of New York and Menino of Boston have mobilized over 120 mayors from 44 states to work for new, stronger policies against illegal guns.

The winds of change are blowing. And it feels like fresh air.



Dennis A. Henigan
Legal Action Project Director

NRA Fails in Latest Effort to Weaken ATF

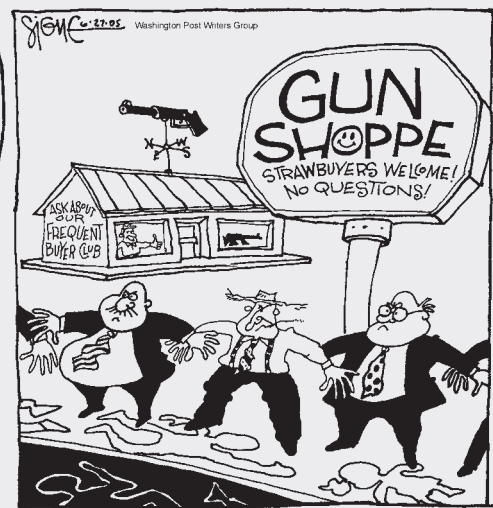
The NRA's efforts to pass H.R. 5092, a bill to undermine the enforcement powers of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), failed in the 109th Congress. The legislation would have protected rogue dealers by making it virtually impossible for ATF to revoke their licenses. It also would have allowed them to continue operating even if their licenses have been revoked, through years of legal appeals.

Before the Congressional session ended for the year, the NRA was, however, successful in getting H.R. 5092 passed by the U.S. House of Representatives on September 26, though it died later in the Senate. The Republican leadership in Congress had made the bill part of its "American Values Agenda" and contended the legislation was needed to curb overzealous enforcement of Federal gun laws by ATF. The bill (misnamed the ATF "Modernization and Reform Act of 2006") would actually cripple ATF's ability to crack down on the nation's worst gun dealers by reclassifying a host of serious federal gun law violations as "minor," and raising the burden of proof to require ATF to show gun dealers specifically intended to break the law.

The Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee held hearings in March 2006 where gun dealer lawyer Richard Gardiner, a former Assistant General Counsel for the NRA, testified in support of the bill. Gardiner claimed that ATF was harassing his gun dealer clients, who were found by ATF to be breaking the law and therefore had their licenses revoked, by focusing on "trivial, immaterial violations



Signe Wilkinson Editorial Cartoon ©2005 Signe Wilkinson. All rights reserved. Published originally in the Philadelphia Daily News.



unrelated to public safety" in the dealers' records. Gardiner urged the Subcommittee to pass the bill, which would benefit lawbreaking gun dealers like his clients at the expense of public safety.

The Brady Center thoroughly dismantled Gardiner's claims in a study released in September. Center lawyers reviewed every published Federal court decision over the last five years — 21 in all — in which gun dealers challenged ATF's revocation of their licenses for violations of federal gun law. The Center's study, "*Trivial Violations??: The Myth of Overzealous Federal Enforcement Actions Against Licensed Gun Dealers*," found that federal action against gun dealers occurs only after numerous, consistent and serious violations of the law that are far from "trivial."

Rather than being overzealous, the study revealed that ATF has instead been extremely cautious in its license revocation actions, not moving until it has compiled an overwhelming record of a gun dealer's willful violations of law occurring over several years. ATF currently only acts to revoke

licenses of the very worst of the worst gun dealers — in 2003, for example, ATF inspectors found violations at 1,812 gun dealers, averaging over 80 violations per dealer, but issued license revocation notices for only 54 dealers. All 21 cases reviewed in the study were replete with frequent and serious illegal conduct by dealers, including:

- Selling guns to straw buyers, and even advising criminals to bring straw buyers into the store to fill out the paperwork;
- Selling guns to juveniles;
- Having no record of sale for hundreds or thousands of firearms that were acquired by the dealer but were no longer in store inventory;
- Failing to conduct Brady background checks on gun buyers.

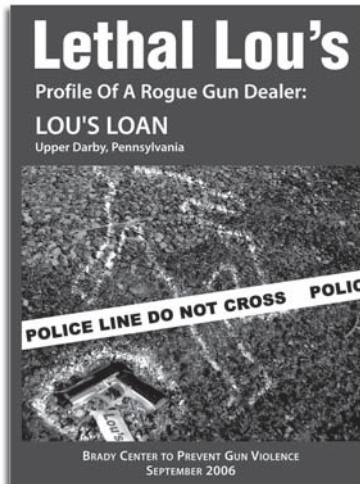
"*Trivial Violations??:*" is powerful evidence that the new Congress should take steps to work to strengthen, rather than weaken, ATF's ability to curb the steady flow of guns from licensed gun dealers into the illegal market.

Brady Center Investigates Rogue Pennsylvania Gun Dealer in *Lethal Lou's*

In September, the Brady Center continued its series of hard-hitting investigative reports with the release of *Lethal Lou's: Profile of a Rogue Gun Dealer*. This report reveals new information about how Philadelphia-area gun dealer Lou's Jewelry and Loan sold crime guns for over twenty years to traffickers and their straw purchasers before law enforcement acted.

When the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) finally shut the store down on July 31, 2006, Lou's was one of the leading suppliers of crime guns in America, ranking 43 out of nearly 80,000 gun dealers nationwide in total crime guns traced to their stores. ATF found that Lou's had committed "numerous and egregious violations of the Gun Control Act."

Lethal Lou's asks why rogue dealers are allowed to flood the streets with guns headed for the illegal market — before ATF is able to shut them down. It also asks why we do not have state and federal gun laws strong enough to prevent these "bad apple"



dealers from continually supplying the criminal gun market in the first place.

To explore these questions, the Brady Center conducted exclusive interviews with a former gun trafficker who purchased numerous guns from Lou's Loan, a former employee of Lou's, and local law enforcement. *Lethal Lou's* chronicles the pawnshop's inexcusable crime gun record, even including a sale to trafficker Saad Abdul Salaam, who supplied a co-conspirator in the 1993 World Trade Center bombing.

In 2003, over 99 percent of some 3,000 licensed gun dealers in Pennsylvania had not a single crime gun traced to them. That year, Lou's had 173. In the city of Philadelphia alone, between 2003 and 2005, Lou's firearms were used in at least 19 homicides and 65 aggravated assaults. ATF data analysis from the mid-1990's shows Lou's guns were used in at least ten homicides, 30 assaults, 13 robberies and 87 cases of illegal possession or concealed carrying of a firearm.

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Gun Industry Protection Law Ruled Unconstitutional

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wrote. The PLCA "is clearly an act which was passed in response to pressure from the gun industry . . . Vested rights may not be destroyed by legislative fiat without violating our Constitution," the court added. Second, the court held the PLCA violates the Constitution's Separation of Powers between the judicial and legislative branches by directing the court to reach a particular outcome in a pending case.

The victory is the latest favorable court ruling for Gary's lawsuit. In December 2003, the Indiana Supreme Court ruled unanimously

for the City that the case could go forward under Indiana law. Judge Pete's decision may end up back in that court, as it has been certified for appeal. If the Indiana Supreme Court agrees that the PLCA is unconstitutional, the case could end up before the U.S. Supreme Court.

In the interim, the City is pressing its case against the gun dealers it sued for supplying about 60 percent of the crime guns recovered in Gary. Before filing suit back in 1999, the City conducted a sting on these dealers, catching them on videotape engaging in illegal sales

to straw purchasers. None of the dealers filed a motion to dismiss the case based on the PLCA, presumably because they realized they fell squarely within an exception to that statute that allows suits where defendants knowingly violate a state or Federal statute applicable to the sale or marketing of firearms.

The Brady Center's Legal Action Project was joined on the brief and at oral argument opposing the manufacturers' motion by Robert S. Peck of the Center for Constitutional Litigation, and by local counsel Anthony Walker of the Walker Law Group.

Brady Center Report Exposes The NRA As “A Criminal’s Best Friend”

Law enforcement officials joined the Brady Center at a press conference on October 26, 2006, denouncing the National Rifle Association’s campaign to weaken enforcement of federal gun laws and releasing the new Brady Center report, *The NRA: A Criminal’s Best Friend*.

The report recounts the NRA’s long history of undermining federal law enforcement to the benefit of gun traffickers and rogue gun dealers and reveals the hypocrisy in the NRA’s claims that we just need to “enforce existing federal gun laws” rather than “passing new gun laws.” It documents the NRA’s vicious attacks on law enforcement, comparing federal agents to Nazis, murderers, and a “jack-booted group of fascists.”

A Criminal’s Best Friend traces the NRA’s history of thwarting federal gun law enforcement back to the 1977 “Cincinnati Revolt,” when hardliners seized control of the NRA and worked to roll back the Gun Control Act. That crucial law, passed after the assassinations of national leaders in the 1960s, banned felons, juveniles, and the mentally ill from purchasing firearms. The NRA worked tirelessly to weaken this common sense law, achieving a major success with the 1986 passage of the Firearm Owners’ Protection Act (FOPA).

The FOPA handcuffed federal gun law enforcement in three crucial ways that hamper ATF to this day. First, it set an extraordinarily high burden of proving “willful” misconduct to prosecute federal gun law violators and revoke gun dealer licenses. Second, it restricted ATF’s ability to conduct inspections of dealers’ shops, allowing only one surprise inspection per year. Third, it allowed gun sales by unlicensed “hobbyists,”



Chief Richard Pennington, Atlanta Police Dept., denounces NRA at Brady press conference

allowing them to avoid meaningful regulations.

The results of the Firearm Owners’ Protection Act have been disastrous. Criminals have evaded prosecution while rogue dealers continue funneling guns to criminals as ATF tries for years to shut these dealers down. The FOPA also led to a deadly rise in gun shows, largely unregulated arms bazaars that are held more than 4,000 times a year. The FOPA has enabled licensed dealers to sell to criminals at gun shows, while allowing other gun sellers to operate without a license by claiming to sell from their “personal collection,” exempting them from basic recordkeeping requirements.

The report also describes the NRA’s assault on the Brady Law.

This law has greatly aided law enforcement by requiring background checks on gun sales by licensed dealers, preventing over 1.4 million illegal gun sales. The NRA vigorously fought passage of the Brady Law in Congress, finally losing when President Clinton signed the bill into law in 1993.

After failing to prevent enactment of the Brady Law, the NRA funded a nationwide assault on the law in the

Lawbreaking NRA Board Member Resigns After Brady Center Exposé

In a Brady Center special report last summer that received widespread television and front-page newspaper coverage, the Center exposed the NRA’s efforts to weaken enforcement of federal gun laws against rogue gun dealers, including one of its own Board Members. The report, *Death Valley*, profiled NRA Board Member Sandy Abrams and his Baltimore gun shop, Valley Guns. His shop was one of the top sources of crime guns in the Nation and was cited for more than 900 federal gun law violations. Valley Gun’s federal license was revoked on February 24, 2006.

The NRA came to Abrams’ defense, with NRA lawyers suing the government to restore his gun shop’s license. Abrams lost in court, with George H.W. Bush appointee Judge Paul Niemeyer writing that Abrams “simply does not care about the legal requirements” of federal gun laws and that the government “meaningfully served the public safety” in shutting him down. Although the NRA had protected Abrams for years, after the Center shined the bright light of public scrutiny on Abrams’ dirty work and his connection to the NRA, he resigned from the NRA’s Board.

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Brady Center Investigates Rogue Pennsylvania Gun Dealer in Lethal Lou's

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Superintendent Mike Chitwood of the Upper Darby Township Police said, "For years [Lou's] has been THE place in the Delaware Valley for criminals to get a gun. This is a hub. When I say gun central America, I am not kidding." Or as Lt. George Rhoades of the Upper Darby Police told the Brady Center, "Every time you turn around, another crime is being committed with a Lou's gun.... If Lou's tightened their sales even a little bit, how many people would have been saved?"

For the last *twenty* years, Lou's reckless business practices have made sales to gun traffickers especially easy. For example, in the late 1980's, Nathaniel Finkley supplied Jamaican drug gangs with

guns from Lou's Loan. In about 18 months, from 1986-87, Finkley bought 22 guns — often several at a time — for a total of about \$6,200. The pattern of his purchases were clearly those of a trafficker: Finkley often bought several guns at once, paid for them in cash, had someone else with him to pick out the guns, bought guns of the same make (cheap Saturday Night Specials or assault weapons), bought two 50 round ammunition magazines, and even asked for a machine gun silencer on two occasions. But as a former employee of Lou's told the Brady Center, straw sales were commonly made, even though "you can spot a straw purchase easily." The employee said he "never heard of a sale they would turn down. If

[a customer] passed the background check," he said, "the gun was sold. That's it."

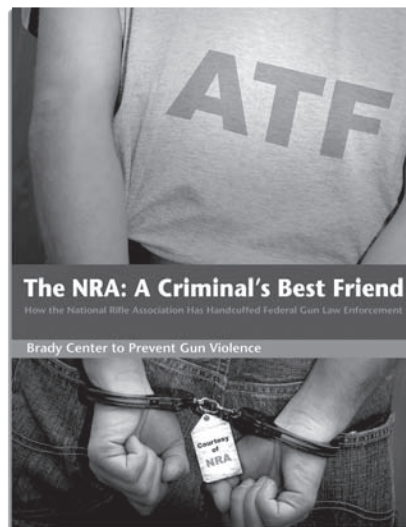
The cost of these reckless sales practices? Officer Lauretha Vaird was shot with a Lou's gun in 1996, the first female police officer in Philadelphia killed in the line of duty. Anthony Oliver, Jr., age 14, was shot to death in the stomach with a Lou's gun in 2004. Saad Abdul Salaam armed a 1993 World Trade Center bombing co-conspirator with cheap, semi-automatic handguns purchased at Lou's. And the list goes on. (Available at www.bradycenter.org/gunindustrywatch).

Brady Center Report Exposes The NRA As "A Criminal's Best Friend"

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courts. Even though the NRA claimed that it supported "instant" background checks, it sought to have the entire Brady Law struck down, including provisions for an instant check to begin after states had time to computerize crime records. In 1997, the Supreme Court struck down a portion of the Brady Law requiring local police to conduct background checks, but rejected the NRA's argument that the entire Brady Law was unconstitutional. This allowed local law enforcement to continue voluntarily conducting checks until the FBI implemented a national instant check in 1998.

A Criminal's Best Friend documents years of NRA harassment of ATF agents. After the tragic 1993 raid on extremist David Koresh's Waco, Texas compound in response to his stockpiling illegal machine guns and assault weapons, the NRA lashed into ATF as a "shame and a disgrace to our country." The NRA



ran ads warning of "Federal agents wearing nazi bucket helmets and black storm trooper uniforms" who would "murder law-abiding citizens." Six days after these ads ran, Timothy McVeigh attacked a federal building in Oklahoma City that contained ATF and other federal offices, as well as a day care center. He killed 168 people, including 19

infants and young children. McVeigh had written Congress, complaining about gun laws in a letter stamped, "I'm the NRA." The NRA's rabid attacks prompted President George H.W. Bush to resign his NRA membership, calling the NRA's statements, a "broadside against federal agents [that] deeply offends my own sense of decency and honor."

Yet the NRA's intimidation campaign did not let up, with attacks on law enforcement agents continuing to 2005, when a successful ATF sting netted dozens of illegal gun sales at Richmond, Virginia gun shows. The NRA complained of ATF "abuse" and pushed new legislation in Congress to further curtail ATF's powers to police rogue gun dealers. This legislation ultimately failed, but the NRA has promised to continue pushing its agenda, which would severely weaken ATF and protect the rogue gun dealers who supply the criminal market.

Utah Supreme Court Says University Must Allow Guns

On September 8, 2006, the Utah Supreme Court ruled that the University of Utah could no longer prohibit firearms on its campus, striking down a longstanding policy that the University felt was necessary to protect more than 44,000 students, faculty, and staff. University of Utah v. Shurtleff, No. 2006 UT 51. The Court ruled that a new state statute that expressly prohibits state institutions of higher learning from enforcing any rule or policy that in “any way inhibits or restricts the possession or use of firearms on either public or private property” overrides the University’s academic freedom to set its own rules on campus.

The University had argued in court that principles of academic freedom, which the U.S. Supreme Court has recognized “as a special concern of the First Amendment” and “of transcendent value to all of us,” should trump state law forcing guns onto campus. The University views students and campus visitors armed with concealed handguns as a serious threat to that freedom, and to campus safety.

This decision ought to be of grave concern within the academic community, as Utah may be only the first state among many where the gun lobby will push to pass legislation allowing the rights of academic institutions to bar guns on campus. The National Rifle Association has pushed hard for almost twenty years for legislation protecting widespread carrying of concealed weapons. In addition, the NRA has launched a fifty-state campaign to pass legislation stripping businesses and property owners of the right to bar guns from their parking lots. Forcing

guns onto university campuses appears to be just the next step in a steady push to bar anyone from prohibiting guns on their property. ●

Michigan Court of Appeals Finds Gun Owner Can’t Be Held Accountable

Ignoring precedent from other states, the Michigan Court of Appeals ruled on December 28, 2006, that a gun owner does not have a duty to keep his gun secure from a felon living in his home in Rich v. Monroe, No. 270618 (Mich. Ct. App.).

The case was brought against a homeowner, Red Monroe, who left a loaded handgun in an unlocked cabinet in his home where he lived with a convicted felon, Elick Verdulla. Verdulla took the gun and used it to shoot and kill his girlfriend, Helen Rich, in August 2002. Monroe kept his loaded handgun in an unlocked cabinet in his bedroom, even showing Verdulla where it was kept after he knew of Verdulla’s violent tendencies. Rich and her six-year-old daughter lived in the home as well, and while Monroe’s wife warned him several times not to keep the gun loaded because of the danger inherent in having a gun accessible to a child, Monroe still took no steps to secure it.

The Legal Action Project filed an amicus curiae brief supporting Rich’s lawsuit, arguing that gun owners have a duty to secure their firearms to minimize the risk of access by people like Verdulla who are likely to misuse them to injure innocent victims. Instead, the Court of Appeals agreed with the trial court that even if Monroe knew of Verdulla’s criminal record, it was not foreseeable that Verdulla would use the pistol to harm

someone. The ruling is out-of-step with decisions in recent years in Indiana, Kansas, and Massachusetts, which have imposed a duty of care on gun owners. The plaintiff will appeal the ruling to the Michigan Supreme Court, where the Brady Center will argue that the highest degree of care should be used in storing a firearm. ●

Federal Appeals Court Issues Ruling Strengthening Lautenberg Amendment

The First Circuit Court of Appeals issued a ruling in U.S. v. Frechette, Nos. 05-2065; 05-2129, on August 2, 2006, upholding an indictment for possession of a gun by a defendant who had committed a domestic violence misdemeanor. The Court rejected John Frechette’s claim that his indictment for illegal gun possession should be thrown out because he had not knowingly waived his right to counsel and to a jury trial on the domestic violence charge.

The Court’s ruling will strengthen the federal law that prohibits possession of a firearm by those who have been convicted of misdemeanor crimes involving domestic violence — the Lautenberg Amendment — as a mechanism for keeping guns out of the hands of dangerous people.

The Brady Center, the National Council of Women’s Organizations, the Southern Maine Chapter of the Million Mom March, Maine Citizens Against Handgun Violence, and the Maine Coalition to End Domestic Violence, as well as local police chiefs, had submitted an amicus brief on behalf of the government. The law firm of Verrill Dana, LLP in Portland, Maine, prepared the brief for the amicus groups. ●

Gun Industry Seeks to Intimidate Brady Center

Legal Action Project attorneys once again have successfully fended off efforts by the gun industry to use lawsuits brought by victims as an excuse to harass the Brady Center and get inside the Center's files.

In the gun industry's latest effort, lawyers for notorious Philadelphia-area gun dealer Lou's Loan of Upper Darby, Pennsylvania, asked a Pennsylvania judge to require Legal Action Project attorneys and a legal assistant to submit to deposition questioning. The lawyers also asked for voluminous documents from the Brady Center's files, which had nothing to do with the lawsuit, brought on behalf of the parents of Anthony Oliver, Jr., who was killed with a gun sold by Lou's Loan. Oliver v. Lou's Loan, No. 1836 (Pa. Ct. Com. Pleas).

The Legal Action Project argued to the court that the gun industry has incessantly attempted to misuse pretrial discovery to harass and intimidate

Brady Center lawyers who represent gun violence victims. Gun industry lawyers have used the same abusive tactics in other Brady Center lawsuits — three attempts in a case brought by the mother of Nafis Jefferson, another child who was shot and killed in Philadelphia, Jefferson v. Rossi, No. 02218 (Pa. Ct. Com. Pleas), and once in litigation on behalf of California municipalities, People v. Arcadia Machine & Tool, Inc. et al., JCCP No. 4095 (San Diego Super. Ct., Jan. 18, 2002). Each time the courts rejected the industry's efforts, sometimes chastising the industry with harsh words.

Public interest law firms like the Center's Legal Action Project have special constitutional protections from undue harassment. In a case brought by the NAACP, for instance, the U.S. Supreme Court ruled that public interest lawyers must be protected from retaliation so that they can continue to provide free legal assistance and bring lawsuits to advance the public interest. ●

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