



LCAV Case Study **Protecting Important Gun Policies -- Advocacy in Support of Ohio's Ban on Concealed Weapons**

The Challenge: In 1859, the Ohio legislature first adopted a law prohibiting persons from carrying concealed weapons, including firearms. The law proved to be an important tool in protecting public health and safety in Ohio: according to the Centers for Disease Control and Prevention, in every year from 1989 to 1998, Ohio had lower death rates from suicide and homicide than did the United States as a whole. From 1989 to 1998, Ohio had an average annual firearms death rate of 10.1 deaths per 100,000 residents, as compared with 13.7 in the country as a whole.

Despite the statute's long history and proven effectiveness, gun rights activists challenged the law, arguing that it was unconstitutional. In October 2001, a Hamilton County court agreed with the plaintiffs, and struck down the ban on carrying concealed weapons in Ohio. Ohio's First District Court of Appeals affirmed the trial court's decision in April 2002. The state then petitioned for review by the Ohio Supreme Court. Unless the Ohio Supreme Court agreed to hear the case and uphold the law, Ohio stood to lose one of its most effective tools to fight gun violence.

LCAV's Role: LCAV organized a coalition of lawyers, law professors and gun violence prevention groups to participate in two *amicus curiae* ("friend of the court") briefs filed with the Ohio Supreme Court – the first brief arguing that the Ohio Supreme Court had jurisdiction over, and should agree to hear, the state's appeal of the lower court's decision striking down the law, and a second brief on the merits of the law, arguing that the court should reverse the lower court's decision and uphold the statute.

LCAV attorneys brought together 36 prominent Ohio law professors and lawyers, and numerous nonprofit organizations concerned about the epidemic of gun violence, including the Ohio Council of Churches, Physicians for Social Responsibility, the Northeast Lakes Council of the Union of American Hebrew Congregations, the Educational Fund to Stop Gun Violence, and the Ohio Coalition Against Gun Violence, all of whom agreed to participate as friends of the court. Drawing on the resources and expertise of LCAV's Ohio Legal Professionals Task Force, including attorneys from the law firm Ulmer & Berne, LCAV attorneys assisted in organizing, researching, writing and editing the briefs. The briefs urged the court to uphold the Ohio statute, based on more than 100 years of case law endorsing the state's right to regulate firearms in general, and to prohibit the carrying of concealed weapons specifically.

Results: In September 2002, the Ohio Supreme Court agreed with the position taken by LCAV in its initial *amicus* brief, and ruled that it had jurisdiction to review the state's appeal. One year later, in its historic decision in *Klein v. Leis*, 795 N.E.2d 633 (Ohio 2003), the Court overturned the lower courts' decisions and upheld the constitutionality of Ohio's ban on carrying concealed weapons, supporting the positions advanced in LCAV's *amicus* briefs. Unfortunately, despite strong public opposition, in 2004 the Ohio legislature enacted a law to allow the carrying of concealed weapons with a permit. Nonetheless, the efforts of LCAV and its Ohio Legal Professionals Task Force helped establish important legal principles that provide a foundation for future legislative reform.

LCAV is a public interest law center dedicated to preventing gun violence. Formed in the wake of the 1993 assault weapon massacre at 101 California Street in San Francisco, LCAV provides free legal assistance to activists and public officials, including law enforcement and government attorneys, working to prevent gun violence. To learn more about our services or to request assistance, visit our web site, www.lcav.org, the nation's most comprehensive source for information on U.S. firearms regulation.

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