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Monica Yant Kinney: Appeal to conscience carries the day



By Monica Yant Kinney

Inquirer Columnist

Twelve religious activists pulled off a legal miracle yesterday: They convinced a judge - who once worked for the Philadelphia Police Department, of all places - that it's OK to break the law if the harm you cause is less than the harm you think you're preventing.

The unusual case pitted ministers, a rabbi, and one self-described professional "peacemaker" against James Colosimo's eponymous gun shop on Spring Garden Street. So many people came to listen - 150 by my count - the trial had to be moved to a bigger courtroom.

For six hours, a passionate prosecutor in a city beset by violence was put in the odd position of having to beat back factual evidence about a notorious gun seller.

Two cops testified that they were more concerned with praying Quakers outside the gun shop than the semiautomatic weapons inside. Repeated objections were raised as defendants cried, preached, and quoted Lincoln in dramatic monologues framed as testimony.

The protesters faced trespassing, disorderly conduct, and conspiracy charges for two demonstrations, one of which I viewed and chronicled as part of my efforts to beef up Pennsylvania's anemic gun laws.

But in the end, it felt like Colosimo was on trial.

Standing up for peace

On Jan. 14, I tagged along as the members of Heeding God's Call staged a stand-in at Colosimo's, hoping he would sign a voluntary 10-point code of conduct for responsible gun dealers.

Their target was hardly random.

Twenty percent of crime guns recovered in Philadelphia were purchased at Colosimo's Gun Center, one of several somber statistics discussed at the trial. Another? That the Brady Center to Prevent Gun Violence crowned Colosimo's the fifth-worst gun seller in America.

In a legal filing last year, City Solicitor Shelley Smith went so far as to say "Colosimo's values profits over the lives of others." At best, she wrote, the store "knowingly continued its abysmally poor business practices after repeatedly being notified by ATF of its guns flowing into the hands of criminals. At worst, Colosimo's knowingly traffics in crime guns."

And yet, Colosimo doesn't get the fuss. He mocked the occupiers during that January protest, saying, "You will never end this. It started at the time of Christ. . . . People are going to live, die and be murdered."

"People are dying," activist Miriam Copp replied. "We have to take bold steps and personal risks to address the violence."

Copp's bold step landed her behind bars overnight. A sidewalk demonstration two days later led to more arrests.

Colosimo, who is already suing to overturn city-specific gun laws, pressed charges against his faith-based critics. But the trial turned the victim into the villain.

Guilty, but not

Assistant District Attorney Guy D'Andrea grew more irritated by the hour as the protesters who had pleaded not guilty pretty much admitted to the basic accusations.

"I decided to stay," insisted Philadelphia Mennonite Rev. Fred Kauffman. "They decided to arrest me."

In closing arguments, defense attorneys Lawrence Krasner and Lloyd Long Jr. pressed the notion of *justification*, saying protesters hoped that temporarily stymieing gun sales would thwart crime.

Repeatedly, Krasner asked the defendants if they went to Colosimo's that day to "make sure no children died that night." Repeatedly, the agitators said, "Yes."

"Their behavior was justified," Krasner insisted, "because they were trying to prevent a great evil by doing a lesser evil."

I searched Municipal Court Judge Karen Yvette Simmons' face for reaction, but found none. Would Simmons - a former public defender, city solicitor, and police counsel - buy it? Could any judge let this many unrepentant souls, facing such amped-up charges, off completely?

"The commonwealth," Simmons said after five minutes of deliberation, "has not met its burden."


The judge offered no further explanation or condemnation. She didn't need to.

Justice may be blind, but her hearing is superb.

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