



Legal Experts Skeptical of NY AG's Attempt to Dissolve NRA

Stephen Gutowski

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Experts across the political spectrum are skeptical of New York attorney general Letitia James's (D.) attempt to dissolve the NRA, with some liberals even calling the move "dangerous."

Legal scholars told the *Washington Free Beacon* it was hard to see the massive gun-rights group being dissolved over James's investigation into its finances. Cato Institute legal fellow Walter Olson said the case presented amounted to a Democrat attempting to shut down a key political opponent.

"Closing down opposition organizations, traditionally, was something that you heard of going on in strongman regimes and you did not have going on in the United States," Olson said. "And that's what she's asking for is for: a major opposition organization to be closed down."

James, whose office did not respond to a request for comment, accused NRA executives such as Wayne LaPierre of diverting tens of millions of dollars of NRA money toward personal expenses including luxury suits, flights on private jets, and tropical vacations. The accusations were first brought to light in 2019 during infighting at the organization. James described the spending by LaPierre and three other current or former NRA executives as "illegal, oppressive, and fraudulent" when she announced the suit on Aug. 6.

The gun-rights group has denied any wrongdoing and LaPierre called the suit an "affront to democracy and freedom."

University of Pittsburgh law professor Philip Hackney, who worked at the Office of the Chief Counsel of the IRS overseeing the nonprofit sector from 2006 to 2011, said the investigation was appropriate. Hackney said he believed the alleged malfeasance by NRA executives was the driving force behind her dissolution effort.

"I think the NRA officers and directors forced her hand," he said. Still, he said he would "be surprised" if a court considered the removal of some NRA executives an insufficient solution and

instead opted for wholesale dissolution of the organization. Hackney compared the NRA case to cases against the Kamehameha Schools and Adelphi University—both of which had their entire governing boards forcibly removed by government action and had to pay millions in back taxes. Neither was dissolved, though, and both continue to operate today.

Olson said the investigation of the International Brotherhood of Teamsters in the 1970s and 80s provided a useful example of how much more aggressive James is treating the NRA. The Teamsters were alleged to have been host to an extensive mob-run racketeering effort that covered everything from money laundering to murder. The union eventually agreed to a takeover by government officials that lasted 30 years, but there was no attempt to shut it down. He said that James's bid to dissolve the NRA amounted to overreach and could taint an otherwise legitimate investigation.

"That demand to dissolve the organization immediately made me think she's not treating this as a regular legal case. She is pulling out demands that are very politically fraught that require us to mobilize against something new being tried," Olson said. "We didn't close down the Teamsters. We said, 'this is America and even if the Teamsters campaigned against our candidates, we have to respect that their members have a legitimate political voice and we just want to make sure that honest people represented it.'"

The NRA has found unlikely allies in the aftermath of James's announcement. Liberal commentators and academics such as *Washington Post* editor Ruth Marcus, Harvard Law professor Noah Feldman, and University of Minnesota law professor Alan Z. Rozenstein have written op-eds in recent days siding with the view that James's dissolution effort is alarming. The trio made their strong distaste for the NRA and its viewpoint clear in their writing but warned the attempt to dismantle it has "disturbing implications," as Marcus said, and "threatens democratic norms," according to Rozenstein.

Olson said he has "been heartened that the center is holding" with "a number of different liberal pro-gun control writers saying, 'let's get an appropriate amount of justice but we can't just ask for it to be closed down.'"

The NRA has filed a countersuit against James that alleges she is violating its First Amendment rights and attempting to have the group shut down for political reasons. The group is in the midst of another lawsuit against New York over the state's attempt to dissuade financial organizations from working with the group.