An unusual Saturday decision from U.S. District Court for the District of Columbia marked a long-awaited victory in SAF’s *Palmer v. District of Columbia* litigation, which struck down the District’s bans on carry firearms and is “one more important step toward firearms freedom,” the Second Amendment Foundation said.

*Palmer* is SAF’s case concerning right-to-carry in the D.C., the last remaining jurisdiction where residents cannot carry a firearm outside their homes for personal protection. The case was filed in August 2009 and SAF brought a writ of mandamus in October 2013 and then again in May 2014.

In the end, the District Court issued an opinion which showed that the years of study it undertook on this matter were truly fruitful. The decision sharply admonished the District of Columbia for its unconstitutional laws and ordered the District to allow its citizens some lawful method to exercise their Constitutional right to bear arms outside the home.

The District’s anti-gun leaders were displeased with the recognition of their citizens’ freedom and are likely to appeal. Just hours after the ruling, the District of Columbia’s Police Department begrudgingly issued a memo to its officers, explaining that they were no longer permitted to enforce many of the District’s draconian gun control laws. The outburst of freedom was short-lived as, the Judge presiding allowed a 90-day stay so the District could figure out how to bring itself into compliance.

“We will take all necessary steps to defend our victory against an unconstitutional ban on bearing arms outside of one’s home,” vowed SAF founder and Executive Vice President Alan M. Gottlieb. “The decision by Judge Frederick J. Scullin, Jr., reinforces our efforts in challenging burdensome concealed carry laws in several states.”

In his 19-page ruling, Judge Scullin wrote, “In light of *Heller, McDonald* and their progeny, there is no longer any basis on which this Court can conclude that the District of Columbia’s total ban on the public carrying of ready-to-use handguns outside the home is constitutional under any level of scrutiny.”

“Ever since the 2008 *Heller* ruling by the Supreme Court, the District of Columbia has carried on a campaign of red tape and regulation to discourage citizens from exercising their Second Amendment rights,” Gottlieb said. “This has included bearing arms outside the home for personal protection. We applaud Judge Scullin’s ruling, because the time is long overdue for the city to realize that it is the capitol of the United States, not a police state.

“Washington, D.C. is not some political gulag,” he observed, “but the seat of government in a land of free people. A cornerstone of that freedom is the right to keep and bear arms, and where better to exercise that right than in the nation’s capital? We have no intention of letting anti-gun city officials further delay the ability of law-abiding citizens to exercise their rights. As Dr. Martin Luther King said, ‘A right delayed is a right denied.’

“We are focusing our efforts on getting rid of unconstitutional violations of firearms owners’ civil rights in Connecticut, New Jersey, New York, Maryland, California and other states,” he said.

“These victories have been made possible by hundreds of thousands of concerned Americans who have financially supported SAF efforts over the years, Gottlieb noted. “Thanks to them, we have been able to field a first-rate team of legal advocates headed by noted civil rights attorney Alan Gura.”

The ruling in *Palmer v. District of Columbia* is another victory for SAF’s lead attorney, Alan Gura, who can personally claim credit for many freedom victories, including both the 2008 *Heller* case that struck down the Washington, D.C. handgun ban, and the 2010 *McDonald* case. Gura and SAF have teamed up frequently over the years to wage a strategic battle against onerous gun laws. Their wins have been significant, including forcing the state of Illinois to craft and adopt a concealed carry statute.

“SAF’s record of legal victories on behalf of the right to keep and bear arms has set the bar for all current and future firearms civil rights litigation,” Gottlieb concluded. “This is not SAF’s last step, but only the latest, in our efforts to win back firearms freedom, one lawsuit at a time.”
This year, the Second Amendment Foundation, founded by Alan Gottlieb in 1974, celebrates its 40th anniversary. As we pass this major milestone, it has been said that the organization is at the top of its game, leading the gun rights fight all over this great land.

SAF has come to be known as “the legal arm of the gun rights lobby.” Especially over the past decade, with various legal actions and some very significant victories, that image seems pretty well cemented. About five years ago, Gottlieb adopted a slogan for the organization: “Winning Firearms Freedom, One Lawsuit at a Time.”

SAF’s Founder and the organization’s staff are justifiably proud of what SAF has accomplished over the years. For example, SAF is especially proud of the 2010 Supreme Court landmark ruling in McDonald v. City of Chicago. It is among the many victories that have made even the mainstream media recognize SAF as the gun rights litigation powerhouse it is.

Other emblematic SAF victories have included a legal action against the City of New Orleans and then-Mayor Ray Nagin (who has since been convicted on corruption charges). In a joint action with the NRA following Hurricane Katrina, the two organizations went to federal court and stopped the illegal confiscation of firearms without warrant, probable cause or due process from hundreds of hurricane survivors. Nagin and other officials were held in contempt of court for violating the consent order secured by the lawsuit.

In addition to the New Orleans victory, SAF has defeated a gun ban in San Francisco, and an attempted gun ban in Seattle. The latter case was brought when former Seattle Mayors Greg Nickels and Mike McGinn pushed and then defended an attempt to ban guns in city park facilities as an administrative regulation, rather than by ordinance. It was a move to overturn the state’s model preemption law, but instead resulted in making the law stronger.

Then there was SAF’s case of Moore v. Madigan, which forced the Illinois Legislature to pass a concealed carry law in that state. Another example, Bateman v. Purdue, struck down that North Carolina’s emergency powers law, which allowed the suspension of Second Amendment rights in times of emergencies, like snow storms and hurricanes.

SAF is also especially proud that it accomplishes so much despite its limited resources. SAF is headquartered in a small two-building complex in Bellevue, Washington. The complex is called “Liberty Park” and the building is named after James Madison, author of the Second Amendment. Also located here is the headquarters for the Citizens Committee for the Right to Keep and Bear Arms, with which SAF partners annually to put on the Gun Rights Policy Conference.

SAF offers books, various publications, including Women & Guns and The Gun Mag magazines, and other educational materials, and it has operated for many years an attorney referral service for citizens with legal troubles related to firearms.

Unfortunately not every SAF legal effort leads to a victory. One surprising example was a lawsuit against a regional library district, which had been filtering internet content on its computers to block various publications that included SAF’s Women & Guns magazine. Even though SAF had an unusual ally, the American Civil Liberties Union, a federal district court ruled that the library’s blocking access was not unconstitutional.

Nonetheless, gun rights leaders have compared this to fighting strategic battles in a war, willing to accept some losses here and there in order to go for the big wins. Now 40 years old, SAF continues to fight to increase firearms freedom, one lawsuit at a time, and will continue this fight for the next 40 years and many more after that.
CELEBRATE SAF’S VICTORIES AT GRPC IN CHICAGO

With attacks on our gun rights from billionaire-funded anti-freedom organizations, the U.N., a number of Second Amendment cases in the courts, and new battles over individual rights in this new age of constant government overreach, your attendance to the 29th annual Gun Rights Policy Conference (GRPC) is critical. An important nationally recognized conference, GRPC has previously been profiled in national news programs and publications. This year’s GRPC is being held September 26, 27 and 28, at the Hyatt Regency O’Hare Airport hotel in Rosemont, Illinois.

SAF decided to schedule another GRPC in Chicago to celebrate last year’s concealed carry victory there. Last fall SAF congratulated Illinois lawmakers for overcoming a gubernatorial veto and becoming the final state to legalize some form of firearms carry. The legislature’s action resulted from SAF’s successful civil rights lawsuit against the State’s prohibition on bearing arms, Moore v. Madigan.

At the time, SAF founder and Executive Vice President Alan Gottlieb reminded us that, “When the exercise of a civil right is denied to a segment of the population, everyone suffers because a right that appears only on paper is not a right at all.” The Moore case was brought by SAF “to force the State of Illinois to do the right thing” regarding the right to bear arms.

The last time GRPC was held in Chicago, gun rights activists and scholars gathered to celebrate SAF’s win at the U.S. Supreme Court in McDonald v. Chicago, which overturned Chicago’s handgun ban. While not a traditional bastion of gun rights, SAF’s legal efforts have moved the city of Chicago and the state of Illinois away from its unconstitutional gun control laws and toward a more reasonable and constitutional path. Though, there is surely still a long way to go, in celebrating the right to carry in Illinois, Alan Gottlieb concluded, “We welcome Illinois to the United States of America.”

The 2014 GRPC will be action-packed with over 50 speakers hand-picked from the leadership of the Gun Rights Movement, the topics to be presented promise to have an impact that will help direct the path of Second Amendment rights for years to come. It will be the most important gathering of pro-gun activists this year with high profile gun rights activists, scholars, legal experts, media, and bloggers in attendance.

Noted Second Amendment Attorney Alan Gura who won both the Heller and McDonald cases at the United States Supreme Court, and the Moore case mentioned above, is already among the many confirmed to speak. Past speakers include: Alan M. Gottlieb, Joseph P. Tartaro, Eugene Volokh, Wayne LaPierre, Michael Reagan, Larry Elder, Bob Barr, John Lott, Sandy Froman, Massad Ayoob, Tom Gresham, G. Gordon Liddy, Larry Pratt, Emily Miller and many others. The full roster of GRPC 2014 speakers has not yet been set, but it is sure to be exciting.

The theme of “Celebrating Freedom” takes precedent as activists, scholars, and legal experts will gather at the yearly conference to strengthen gun rights for all Americans. This year we’ll take a look at critical issues such as: bans on semi-auto firearms and magazines, concealed and open carry, executive orders, federal legislation, BATFE policies, gun show regulation, state and local activity, the United Nations Arms Trade Treaty, the many lawsuits undertaken by the Second Amendment Foundation, judicial appointments to the courts, public opinion trends, and effective pro-gun activism.

The SAF Board of Trustees has elected to help underwrite the cost of the event. There is no cost to register and attend the 29th annual Gun Rights Policy Conference. The Second Amendment Foundation will not only pick up the tab for lunch and refreshments, but will also provide more than $125 worth of free vital pro-gun rights materials to each attendee. In addition, you will have the opportunity to chat with the speakers at two evening receptions.

Free registration the 29th Annual Gun Rights Policy Conference at the Hyatt Regency O’Hare Airport hotel in Chicago, Illinois can be made at www.SAF.org/GRPC or by filling out and sending in the printed registration form included on the last page of this issue of the SAF Reporter. To register by phone please call SAF at (425) 454-7012.

If you would like to reserve a hotel room at the Hyatt Regency Chicago O’Hare Airport Hotel, we have arranged a special price of $112 per night rate. To make reservations with the special rate, simply call the Hyatt at 1-888-421-1442 and tell the operator that you are with GRPC when you register. A link to online booking for the hotel is also available at the SAF website. Rooms are selling fast, make sure to book your room soon!
SAF FILES SUIT AGAINST MASSACHUSETTS HANDGUN SALES REGULATIONS

The Second Amendment Foundation, joined by Commonwealth Second Amendment, Inc., two dealers and six private citizens, filed a lawsuit in federal court seeking an injunction against the State Attorney General’s enforcement of state consumer protection regulations that prevent the commercial sale of certain semiautomatic handguns.

The lawsuit, filed in U.S. District Court, asserts that the regulation requiring a “load indicator” on a semiautomatic handgun is “unconstitutionally vague and ambiguous” because it does not define what this device is, or what it is intended to do.

The retail sale of handguns in Massachusetts is governed in part by regulations promulgated by the Attorney General. The regulation provides in part that, “It shall be an unfair or deceptive practice for a handgun-purveyor to transfer or offer to transfer to any customer located within the Commonwealth any handgun which does not contain a load indicator or magazine safety disconnect.” The regulation also offers the following definition: “Load indicator: shall mean a device which plainly indicates that a cartridge is in the firing chamber within the handgun.”

Each of the consumer plaintiffs in this action want to purchase a current model Glock handgun and each of the retail plaintiffs want to offer for sale current models of Glock handguns. 3rd and 4th generation Glock pistols at the center of the dispute have an extractor-based load indicator that reveals at a glance whether there is a cartridge in the chamber. This is virtually identical to extractor-based load indicators on competing pistols from other manufacturers, all of which are legal in Massachusetts, but the state’s Attorney General maintains that Glocks fail to meet the standard and offers no explanation.

“We’re asking the court to put a stop to what we believe is arbitrary enforcement of the regulation, because it deems 3rd and 4th generation Glock pistols lack an ‘effective load indicator’ device,” said SAF Founder and Executive Vice President Alan M. Gottlieb. “How can anyone design something when there is no description, or explanation of exactly what such a device is supposed to do and how it is supposed to do it?”

SAF WINS PERMANENT INJUNCTION IN CHALLENGE TO ARKANSAS CCW LAW

The Second Amendment Foundation has won a significant victory on behalf of legal residents of Arkansas, with a federal district court there declaring the state’s citizen-only concealed carry licensing law unconstitutional, and granting a permanent injunction against its enforcement on behalf of a man named Martin Pot, a citizen of the Netherlands.

U.S. District Judge Timothy L. Brooks, for the Western District of Arkansas, handed down the ruling. SAF and Mr. Pot were represented by attorney David Sigale of Glen Ellyn, Illinois.

The lawsuit challenged the Arkansas statute because it “completely prohibits resident legal aliens from the concealed carry of guns, in public, for the purpose of self-defense.

“This is yet another victory in our effort to expand Second Amendment protections,” said SAF founder and Executive Vice President Alan M. Gottlieb. “Mr. Pot is a law-abiding resident of Eureka Springs. He came here almost 30 years ago, met and married his wife, and has many solid connections in his community.”

While Arkansas statute allowed Pot to possess a firearm only in his home, on his property or – under certain circumstances – while on a “journey,” he was prohibited from obtaining a concealed carry permit because he is not a citizen. The whole situation was made more confusing by the
fact that Pot had previously been issued a license to carry, only to have his rights stripped when he reapplied.

SAF’s efforts with this type of case are especially important because they seek to “normalize” the Second Amendment in the courts. It is vital that courts recognize that the Second Amendment must be applied like all other aspects of the Bill of Rights.

“This case is not unique,” Gottlieb noted. “SAF has successfully challenged other state laws, in New Mexico, Washington, Nebraska and Massachusetts. Legal resident aliens should not be penalized at the expense of their self-defense rights. This was a good outcome to a case that should help lots of people.”

**ADDITIONAL BRIEFS FILED IN CALIFORNIA HANDGUN ROSTER CHALLENGE**

The U.S. District Court Judge presiding over SAF’s Pena v. Lindley lawsuit recently asked the parties to provide additional information regarding the impact of California’s state handgun roster requirements that include microstamping and magazine disconnects.

Responding to the court’s request for additional information SAF’s lead attorney Alan Gura filed a supplemental brief that included an additional declaration by Lawrence G. Keane, secretary and general counsel to the Sporting Arms and Ammunition Manufacturers’ Institute (SAAMI).

Keane is also senior vice president and general counsel to the National Shooting Sports Foundation (NSSF). In his statement, Keane told the court that, “To date, I am not aware of a single handgun manufacturer worldwide that has produce a functioning, commercially available semiautomatic pistol designed and equipped with ‘a microscopic array of characters that identify the make, model, and serial number of the pistol’ etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol…”

“It is important for the court to understand that the microstamping requirements now included in California’s law simply cannot be met,” said SAF founder and Executive Vice President Alan M. Gottlieb. “We are delighted and grateful that a reliable and knowledgeable representative for SAAMI and NSSF has weighed in.”

Keane’s detailed brief reinforces earlier documents submitted by Glock, Smith & Wesson and Sturm, Ruger. Glock’s earlier filing noted that its pistols are like the majority of semi-auto pistols manufactured today, and do not include the features mandated by California. Neither Glock pistols, nor any other handgun in common use, can comply with California’s “microstamping” mandate. Ruger and Smith & Wesson also discussed the non-workability of the microstamping required by California law. Smith & Wesson similarly declared, “A number of studies have indicated that microstamping is unreliable, serves no safety purpose, is cost prohibitive and, most importantly, is not proven to aid in preventing or solving crimes.”

“Our challenge to California’s statute now includes important support information from recognized experts,” Gottlieb observed. “Clearly, our arguments are backed up by facts and technical information that shows the state’s requirements are not simply unreasonable, but cannot possibly be met any time in the foreseeable future. In short, California has passed a law for which compliance is impossible.”

The case was originally filed in 2009 as a challenge to California’s regulation that arbitrarily bans handguns based on a roster of “acceptable” handgun models approved by the state. The revised case addresses microstamping, which has made it even harder to legally purchase a handgun in California.

(Continues on page 6)
SAF, FLORIDA CARRY SUE TALLAHASSEE FOR PREEMPTION LAW VIOLATION

The Second Amendment Foundation and Florida Carry, Inc., have joined forces in a lawsuit against the City of Tallahassee for refusing to change an ordinance restricting the discharge of firearms in defiance of the state preemption statute.

Named as defendants in the case, which was filed in the Second Judicial Circuit Court for Leon County, are Tallahassee Mayor John Marks, and City Commissioners Nancy Miller, Andrew Gillum and Gil Ziffer. SAF and Florida Carry are represented by Jacksonville attorneys Lesley McKinney with McKinney, Wilkes & Mee, and Eric J. Friday with Fletcher & Phillips.

“We’re happy to partner with Florida Carry on this legal action,” said SAF founder and Executive Vice President Alan Gottlieb. “This is not the first time we have had to take a city to court for violating a state preemption law. Why municipal governments still don’t understand the concept of preemption is a mystery to us.”

“We became aware of Tallahassee’s illegal regulation as we looked to expand SAF’s on-going preemption project, which has rolled back dozens of illegal gun regulations in the six states we have targeted so far,” added SAF General Counsel Miko Tempski.

“Since 2011, Florida Carry has prompted the repeal of anti-gun ordinances and regulations in over 200 Florida jurisdictions, including municipalities, counties, colleges and state agencies,” noted Florida Carry Executive Director Sean Caranna. “Usually the jurisdiction is responsive to our notification that there is a problem and no lawsuit is necessary. It is a rare and unfortunate circumstance when local government leaders decide to willfully break state law, despite the personal penalties. When local officials are willing to knowingly violate the law in order to suppress the rights of law-abiding gun owners, they can expect that we’re going to make them pay for it.”

The lawsuit contends that under the city’s ordinance, which criminalizes the discharge of firearms and airguns, there is no provision that carves out an exception for the lawful use of a firearm in self-defense. Gottlieb said there was a chance for an “easy fix” earlier, but that motion was tabled.

SAF PREEMPTION PROJECT ROLLS INTO OK AND UT

The Second Amendment Foundation’s continuing preemption, or local government compliance, project has set its sights two more states. Nearly one hundred letters were mailed to dozens of cities, counties and other municipal entities in the states of Oklahoma and Utah. These letters are the culmination of many hours of research by SAF’s attorneys. This research led to the discovery of illegal gun regulations on the books of many jurisdictions, large and small. The letters sent by SAF Executive Vice President Alan Gottlieb demand that these laws be repealed and threaten legal action if the local jurisdictions do not take action.

Oklahoma and Utah are now the sixth and seventh states covered by this project, with fantastic results in Indiana, Maryland, Oregon, Virginia and Washington so far. The success of this program in other states has also been covered in the anti-gun media. Their coverage recognized, likely much to their chagrin, that the SAF program has removed many dozens of illegal gun regulations from the books all over the country.
ANTI-GUN STATES COULD AVOID BUDGET WOES BY BEING MORE 2A FRIENDLY

In an era when states are struggling to meet their budget obligations, they could improve their financial standing by being more Second Amendment friendly. The unfortunate budget effects of anti-freedom policies have been seen in Maryland, Colorado and New Jersey.

A number of firearms industry companies left Colorado after their draconian firearms regulations were rammed through last year. In July, Beretta USA announced that it was moving its manufacturing out of Maryland. Beretta’s move came just weeks after Governor Martin O’Malley (D) had to announce $77 million in cuts to the budget due to the state’s failure to meet tax projections. The loss of Beretta’s hundreds of manufacturing jobs can only make these tax projections even worse.

Recently SAF also noted anti-gun bigotry not only drives away businesses, but also prevents tourism. “New Jersey tax collections are down,” noted SAF founder and Executive Vice President Alan Gottlieb. “That might not be so if the state were friendlier to firearms businesses and gun owners in general. Gun manufacturing companies won’t go near the place.”

“If New Jersey were friendlier toward gun owners,” Gottlieb observed, “the state might be able to attract lots more tourists. But firearms rights activists refuse to enter the state. It’s not an organized boycott, but in many ways, it might just as well be.

“New Jersey lawmakers better accept the notion that law-abiding gun owners should not be treated like criminals,” he added. “But while this treatment continues, gun owners from other states will be spending their money elsewhere.”

“What is really disturbing about this,” Gottlieb concluded, “is that Democrats are trying to blame Christie for the situation. But it is the Legislature, which is controlled by Democrats, that has set both the fiscal tone and anti-gun agenda for the state. They’re to blame, nobody else, and they are the ones who can change the situation.”
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Yes, I want to attend. I understand that registration, conference materials and luncheon will be provided courtesy of CCRKBA and SAF. All other meals, lodging and airfare are to be paid by attendee.

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