



REPORTER

D.C. APPEALS COURT STRIKES DOWN 'GOOD REASON' CCW LAW

The Second Amendment Foundation won a significant court victory against “good reason” requirements for concealed carry when the U.S. Court of Appeals for the District of Columbia issued a permanent injunction against enforcement of such a requirement in Washington, D.C.

The 2-1 ruling, written by Judge Thomas Beall Griffith, a 2005 George W. Bush appointee, declared that, “At the Second Amendment’s core lies the right of responsible citizens to carry firearms for personal self-defense beyond the home, subject to longstanding restrictions... The District’s good-reason law is necessarily a total ban on exercises of that constitutional right for most D.C. residents. That’s enough to sink

this law under (the 2008 U.S. Supreme Court’s *Heller* ruling).”

“Today’s ruling contains some powerful language that affirms what we have argued for many years, that requiring a so-called ‘good cause’ to exercise a constitutionally-protect right does not pass the legal smell test,” said SAF founder and Executive Vice President Alan M. Gottlieb. “We’re particularly pleased that the opinion makes it clear that the Second Amendment’s core generally covers carrying in public for self-defense.”

The 31-page majority opinion also said that the District’s “good cause” requirement was essentially designed to prevent the exercise of the right to bear arms by most District residents. Thus, it amounts to a complete prohibition, and that does not pass muster under the 2008

Heller ruling that struck down the District’s 30-year handgun ban.

“The good-reason law,” Judge Griffith wrote, “is necessarily a total ban on most D.C. residents’ right to carry a gun in the face of ordinary self-defense needs...”

“To read the majority opinion and not come away convinced that such ‘good reason’ or ‘good cause’ requirements are just clever ways to prevent honest citizens from exercising their rights is not possible,” Gottlieb stated. “To say we are delighted with the ruling would be an understatement. We are simply more encouraged to keep fighting, winning firearms freedom one lawsuit at a time.”

The case is *Wrenn v. District of Columbia*.

SCOTUS DENIES REVIEW, ALLOWS SAF’S BINDERUP WIN TO STAND

The Supreme Court of the United States has declined to review an important Second Amendment Foundation case involving firearms rights for individuals convicted of certain non-violent misdemeanor crimes.

The decision allows an earlier favorable *en banc* ruling for SAF by the Third U.S. Circuit Court of

Appeals in Pennsylvania to stand. In the case of *Binderup v. the U.S. Attorney General*, the appeals court ruled that individuals convicted of certain non-serious misdemeanor crimes do not lose their fundamental rights under the Second Amendment for life. After SAF won at the appeals court level, the Obama Justice Department sought Supreme Court

review.

The case involved a man named Daniel Binderup, who pleaded guilty in 1996 to a misdemeanor charge related to a consensual relationship he had with a 17-year-old female employee. He received three years’ probation and a \$300 fine. However, because the crime could have resulted

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SAF BINDERUP WIN (CONTINUED)

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in jail time of more than one year for which the federal gun law blocks firearms possession, Binderup sought protection of his rights via the courts.

“While we were confident that our case would once again prevail before the Supreme Court, we’re delighted at the high court’s decision that allows our victory in the Third Circuit to stand,” noted SAF founder and Executive Vice President Alan M. Gottlieb. “We established the principle that people who are convicted of

certain misdemeanor crimes cannot be stripped of their fundamental right to keep and bear arms for life.”

The Third Circuit Court’s favorable ruling combined Binderup’s case with another SAF case involving a man named Julio Suarez. He was stopped in 1990 on suspicion of driving while intoxicated. At the time he was carrying a handgun and spare ammunition without a permit. He pleaded guilty in Maryland state court to the charge and received a

180-day suspended sentence and \$500 fine. As a result, he also lost his gun rights because the crime could have resulted in jail time of more than one year. Neither man was ever incarcerated.

“We cannot allow government to simply deny constitutionally-delineated rights on such flimsy grounds,” Gottlieb said. “While SAF’s goal is winning firearms freedom one lawsuit at a time, this time we won two!”

SAF SUES MICHIGAN OVER CIVIL RIGHTS VIOLATIONS AGAINST FOSTER PARENTS

SAF filed a federal lawsuit against the head of the Michigan Department of Health and Human Services (MDHHS) on behalf of four Michigan residents, alleging civil rights violations under color of law for enforcing restrictions on the Second Amendment rights of people who want to be foster or adoptive parents.

SAF is joined in the lawsuit by William and Jill Johnson and Brian and Naomi Mason. The lawsuit, filed in U.S. District Court for the Western District of Michigan, alleges that MDHHS caseworkers told Mr. Johnson, a 100-percent disabled Marine Corps veteran who sought custody of his grandson that he would have to give the agency the serial numbers of all of his firearms. When he questioned this, the caseworkers allegedly told him, “If you want to care for your grandson

you will have to give up some of your constitutional rights.” This was after the state asked the Johnsons to be foster parents to their grandson.

Two weeks later, the lawsuit alleges, a Gogebic County Court judge told the Johnsons that if they wanted their grandson placed in their care, “We know we are violating numerous constitutional rights here, but if you do not comply, we will remove the boy from your home.”

“The statements from the caseworker and judge are simply outrageous,” said SAF founder and Executive Vice President Alan M. Gottlieb. “This amounts to coercion, with a child as their bartering chip. I cannot recall ever hearing anything so offensive and egregious, and we’ve handled cases like this in the past. Blatantly telling someone they must

give up their civil rights in order to care for their own grandchild is simply beyond the pale.”

The lawsuit asserts that “the policy of the MDHHS, by implementing requirements and restrictions that are actually functional bans on the bearing of firearms for self-defense, both in and out of the home, completely prohibits foster and adoptive parents, and those who would be foster or adoptive parents, from the possession and bearing of readily-available firearms for the purpose of self-defense. This violates Plaintiffs’ constitutional rights under the Second and Fourteenth Amendments.”

The Johnsons and Masons reside in Ontonagon, a small community on the north shore of the Upper Peninsula, on Lake Superior. Mr. Mason has been the Pastor at the Ontonagon Baptist Church in Ontonagon for nine years. He is also the Chair of the Ontonagon County Department of Health and Human Services Board.

“This is a case we simply must pursue,” Gottlieb said. “State agencies and the people who work in those agencies simply cannot be allowed to disregard someone’s civil rights.”



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SAF, OTHER GROUPS FILE FEDERAL LAWSUIT V. CAL. MAGAZINE BAN

The Second Amendment Foundation, joined by several other groups and individuals, filed a lawsuit in federal district court in California, challenging that state's law prohibiting the possession, use or acquisition of so-called "large capacity magazines," calling the ban "hopelessly vague and ambiguous."

Joining SAF are the Calguns Foundation, Firearms Policy Coalition, Firearms Policy Foundation and six individuals including one retired California peace officer. The lawsuit was filed in U.S. District Court for the Eastern District of California.

The complaint is a constitutional challenge to California Penal Code § 32310, as recently amended by Senate Bill 1446 and Proposition 63, and Penal Code § 32390 (the "Large-Capacity Magazine Ban").

The lawsuit alleges that if these measures are enforced as applied, they would "individually and collectively prohibit law-abiding citizens from continuing to possess, use, or acquire lawfully-owned firearms, in common use for lawful purposes such as self-defense (inside and outside the home), competition, sport, and hunting."

"What we see in the enactment of such laws," said SAF founder and Executive Vice President Alan M. Gottlieb, "is continued erosion by the state of its citizens' constitutional rights guaranteed under the Second Amendment. When the U.S. Supreme Court incorporated the Second Amendment to the states via the 14th Amendment under the 2010 McDonald ruling, it automatically should have stopped this kind of

prohibition.

"As we state in our lawsuit," he continued, "this magazine ban fails to provide fair or even adequate notice to law-abiding gun owners of what they may do with their personal property without being subject to criminal sanctions. In effect, this ban amounts to a backdoor form of confiscation, in part, of bearable arms that are protected by the Constitution.

"Enforcement of this ban," Gottlieb concluded, "would immediately place thousands of law-abiding California gun owners in jeopardy of criminal liability and subjects their personal property to forfeiture, seizure and permanent confiscation, which is government taking, without due process or compensation. We cannot allow that to go unchallenged."

SAF ATTORNEYS FILE BRIEF SUPPORTING TRO, INJUNCTION V. CALIFORNIA MAG BAN

Attorneys representing the Second Amendment Foundation, Calguns Foundation, Firearms Policy Foundation and others have filed a lengthy brief in support of their original motion for a temporary restraining order and issuance of a preliminary injunction against the state's new ban on so-called "high capacity" magazines.

Such magazines have generally been prohibited in California since 2000, but there was a provision that "grandfathered" such magazines that were already owned. The ban only applied to acquisition, importation or manufacture of

large capacity magazines after its date of effectiveness.

However, the state has changed the rules via Proposition 63. The plaintiffs argue that this measure reneged on the original agreement by retroactively applying the ban to those older magazines. Owners are required to remove them from the state or sell them to a licensed firearms dealer, or simply surrender them.

"This amounts to being forcibly dispossessed of private property," said SAF founder and Executive Vice President Alan M. Gottlieb. "What we have in California is an attempt to penalize law-abiding

citizens for possessing equipment that has never been involved in a crime. There is no evidence that such a ban will advance the state objective of the law, which is to prevent mass shootings and other crimes these citizens didn't commit."

The 53-page brief was filed in U.S. District Court for the Eastern District of California. Joining SAF, Calguns and the Firearms Policy Foundation are the Firearms Policy Coalition and ten individual citizens.

"We're taking this action because the expanded ban is supposed to take effect on July 1," Gottlieb noted.

The list that follows describes just some of the lawsuits that YOUR Second Amendment Foundation is currently and has been involved in. We've spent a lot of money in court fighting to protect and expand YOUR rights. EACH lawsuit has a price-tag as high as hundreds of thousands of dollars!

· **SAF Sues Over Censorship of 3D Firearm Printing Information . . .** SAF and Defense Distributed filed a lawsuit against Secretary of State John Kerry, the Department of State and other U.S. officials to stop the unconstitutional censorship of information related to 3D printing of firearms asserting the regulations violate free speech, the right to keep and bear arms and due process as guaranteed by the First, Second and Fifth Amendments. Case is on appeal.

· **SAF Sues and Wins Against District of Columbia's Concealed Carry Permit Process . . .** SAF filed a lawsuit on behalf of two D.C. and one Florida resident seeking to overturn the city's "good reason" clause for citizens wishing to exercise their right. The court rules there is a constitutional right to carry. D.C. has until the end of August to decide if they will appeal to SCOTUS.

· **SAF Files Federal Lawsuit against Oklahoma DHS Over Firearms Prohibition . . .** SAF filed a federal lawsuit against the Oklahoma Department of Human Services (OKDHS) on behalf of two state residents whose civil rights have been deprived under color of law because agency rules prohibit them

from acting as foster parents while legally possessing functional firearms for personal protection.

· **SAF and CGF File a Lawsuit Seeking Return of Legally Owned Firearms . . .** Second Amendment Foundation and Calgun Foundation file suit in U.S. District Court for the Northern District of California on behalf of a Santa Clara County resident, challenging the city, its police department and one of its officers over the seizure of firearms under the state's Welfare and Institutions code.

· **SAF Spearheads Federal Lawsuit Against I-594 . . .** SAF files a lawsuit in federal district court seeking a permanent injunction against enforcement of portions of Initiative 594, alleging that "portions of I-594... are so vague that a person of ordinary intelligence cannot understand their scope," and that other parts violate the Second Amendment outright. SAF appeals standing ruling.

· **SAF Sues and Wins Against District of Columbia's Ban on the Carrying of Handguns . . .** SAF filed a lawsuit on behalf of three D.C. and one New Hampshire residents to compel the city to issue carry permits to law-abiding citizens. The U.S. District Court orders D.C. to allow the carry of firearms for self-defense.

· **SAF Sues on Behalf of California Gun Dealers . . .** Second Amendment Foundation has joined the Calguns Foundation and CA Association of Federal Firearms Licensees in support

LEGAL CASES

of a lawsuit filed by four California gun dealers alleging a violation of their First Amendment rights to advertise firearms. On appeal.

· **SAF Sues Illinois Over Restrictive CCW Residency Requirements...** SAF filed a lawsuit in federal district court in Illinois, challenging that state's concealed carry statute that restricts otherwise qualified nonresidents the rights and privileges of carrying concealed firearms based solely on their state of residence.

· **SAF Funds and Wins Lawsuit Challenging Federal Law on Handgun Purchases...** SAF's sister organization, the Citizens Committee for the Right to Keep and Bear Arms filed a lawsuit in federal court challenging the federal law prohibiting cross-state handgun purchases. The government is appealing.

· **SAF Sues California and Wins Overturning Waiting Period Statute...** SAF, Calguns Foundation, et al. filed a federal lawsuit against the CA DOJ challenging the state's requirement that gun owners wait at least ten days before taking possession of an additional firearm. State of California is appealing the ruling.

· **SAF Sues and Wins Gun Rights Restoration** ... A federal judge rules in a small but significant victory that a man convicted of a misdemeanor crime several years ago may not lose his Second Amendment rights under a federal gun control statute known as 922(g)(1). Government is appealing.

· **SAF Sues and Wins Ruling That Allows**

Gun Rights Restoration for Certain Misdemeanors ... the judge has ruled that a man convicted of a serious misdemeanor crime, but who has demonstrated that now he "would present no more threat to the community" than an average law-abiding citizen, may not lose his Second Amendment rights under a federal gun control statute known as 922(g)(1).

· **SAF Backs Lawsuit over Handgun Ban in Northern Marianas** . . . The Second Amendment Foundation joined in supporting a lawsuit that challenges the ban on the importation of handguns and ammunition and the possession and use of handguns in the Commonwealth of Northern Marianas Islands.

· **SAF Sues for Restoration of Rights** ... SAF sues on behalf of plaintiff with non-violent felony who has had all rights restored, including right to possess and receive firearms and works for the State of Virginia as a security officer. Plaintiff is a resident of Maryland, and can neither possess nor carry a firearm there.

· **The Second Amendment Foundation Supports NJ Carry Appeal** ... SAF is helping to fund a legal challenge to New Jersey carry laws requirement that the applicant show "substantial threat." The case is in the State Superior Court's Appellate Division.

· **SAF Challenges California Handgun Ban Scheme** . . . SAF and Calguns Foundation filed a lawsuit challenging a regulation that bans handguns based on a roster of

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LEGAL BRIEFS

(Continued from pages 4-5)

“acceptable” handguns approved by the State of California. Case has been amended to include new microstamping requirement. Glock files amicus brief in support. Smith & Wesson, Ruger and NSSF file declarations in support of SAF’s lawsuit. Case is on appeal.

· **SAF Challenges Arbitrary Handgun Sales Regulations in Massachusetts**

. . . SAF and Comm2A filed a lawsuit seeking an injunction against the State Attorney General’s illegal enforcement of consumer protection regulations that

prevent the commercial sale of common semiautomatic handguns. This case is on appeal.

· **SAF Sues Chicago and Wins over Gun Range Prohibition on 1A, 2A Grounds . . .**

. SAF and ISRA filed a lawsuit against the City of Chicago’s gun ordinance, asserting that “the city is depriving citizens of their right to keep and bear arms in violation of the First and Second Amendments. The Appellate Court ordered Chicago to end this ban. City of Chicago pays SAF 7 years of legal fees.

SAF: SCALISE SHOOTING IS RESULT OF DEMOCRATIC HATE SPEECH

The shooting of Congressman Steve Scalise (R-LA), and others including an aide and two Capitol Police officers is the result of Democratic hate speech toward President Donald Trump and majority Republicans, the Second Amendment Foundation said today.

“This hate speech that has been going on since Donald Trump was elected,” said SAF founder and Executive Vice President Alan M. Gottlieb. “It gets their voter base agitated and this is what happens as a result. Is this just a coincidence this happened on the president’s birthday?”

The gunman has been identified as James Hodgkinson of Illinois. A Facebook page belonging to the fatally-wounded suspect suggests that he was a socialist Democrat,

and was a follower of Sen. Bernie Sanders. Sanders confirmed that Hodgkinson was apparently a volunteer in his 2016 presidential campaign.

“When liberal leftists support the assassination of President Trump on stage what do you expect to happen,” Gottlieb stated. “Hate speech and actions incite this kind of violence. It is time for Democrats like Reps. Maxine Waters and Nancy Pelosi, Sen. Chuck Schumer, Barrack Obama and Hillary Clinton and many of the talking heads at CNN and MSNBC to shut up.”

“Congressman Scalise and others at the field this morning were lucky to have the protection of courageous Capitol police officers, the good guys with guns who took down a bad guy with a gun,” he continued. “But what if they hadn’t

been present?”

Congressman Mike Bishop of Michigan, who was at the baseball field, told a reporter, “The only reason why any of us walked out of this thing, by the grace of God, one of the folks here had a weapon to fire back and give us a moment to find cover.”

“Maybe now the anti-gun rights Democrats will support everyone’s right to carry a firearm for self-defense,” Gottlieb said. “We are the first line of defense when it comes to personal protection from crazed individuals.”

“I can only concur with what President Trump said this morning,” he concluded. “We are blessed to be Americans, and we are strongest when we are unified and when we work together. Those responsible for this campaign of hate have no place in our society. You own this.”



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This year we'll take a look at critical issues such as: city gun bans, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, and state and local activity. We'll review the 2016 elections, discuss state initiative battles and analyze the resurgence of Right to Keep and Bear Arms court cases.

The full roster of GRPC 2017 speakers has not yet been set. Past speakers have included: Alan Gottlieb, Joseph Tartaro, Alan Gura, Tom Gresham, Larry Elder, John Lott, Eugene Volokh, Sandy Froman, Massad Ayoob, Mark Walters, Emily Miller, Rep. Bob Barr, Rick Patterson, Gene Hoffman, Tim Schmidt, AWR Hawkins and many others. Check our websites -- www.saf.org or www.ccrkba.org for updates.

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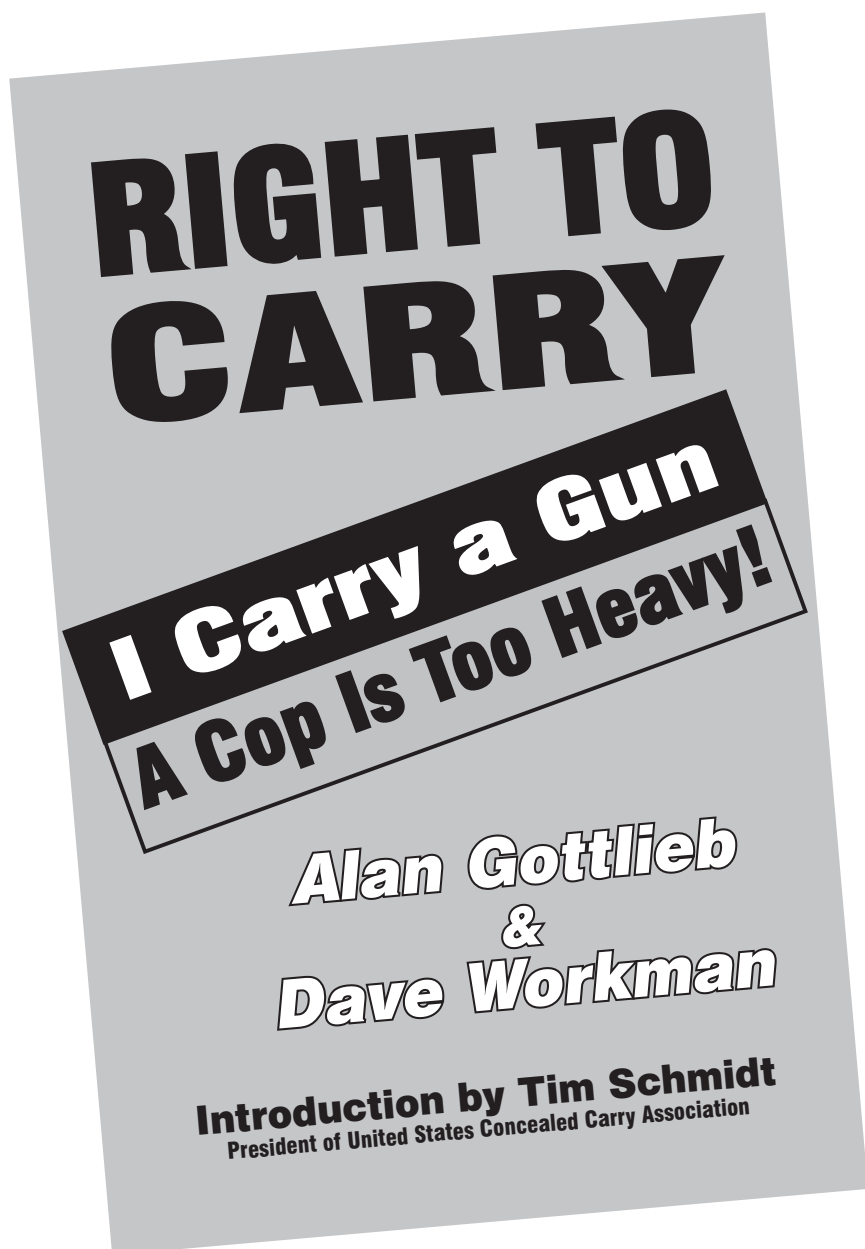
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Breitbart.com

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