



*Second Amendment Foundation*

*Winter 2017*

# REPORTER

## **SAF IMPRESSED WITH JUDGE NEIL GORSUCH FOR SUPREME COURT**

Though the nomination of Federal Judge Neil Gorsuch to the Supreme Court of the United States came as a surprise to many, it proves that elections do matter, especially our latest when in November of 2016 Donald J. Trump shook the world, dumbfounding the press, pundits, Democrats, and even Hillary Rodham Clinton.

“We are delighted by President Donald Trump’s choice,” said Alan M. Gottlieb, SAF founder and Executive Vice President. “Based off of what we already know, and what others are saying about Judge Gorsuch, we can honestly say that he makes an excellent candidate to fill Scalia’s seat”, a vacancy which occurred last year due to the passing of honorable Justice Antonin Scalia.

“Antonin Scalia was a remarkable justice with a fine legal mind,” Gottlieb said. “It is the impression that Judge Gorsuch is cut from the same cloth. If – or rather when - he is confirmed by the Senate it is our expectation that Neil Gorsuch will prove himself a tremendous addition to the court, and among the wisest decisions in Donald Trump’s presidency. President Trump has kept his word by nominating a superb high court candidate with an originalists approach to interpreting the Constitution, particularly the Bill of Rights, as the Founders intended”, Gottlieb said, “We are eagerly awaiting the confirmation, and are hopeful that he will enjoy smooth sailing throughout the process”.

Perhaps Gottlieb is being overly optimistic. Democratic and liberal activists nationwide are vowing to fight the Gorsuch nomination. Anti-gun Senator Charles Schumer (D-NY) is already showing resistance, though he has yet to promise to oppose the nomination altogether. He is quoted by Syracuse.com asserting,

“Judge Gorsuch has repeatedly sided with corporations over working people, demonstrated a hostility toward women’s rights, and most troubling, hewed to an ideological approach to jurisprudence that makes me skeptical that he can be a strong, independent Justice on the Court.” Furthermore, numerous political critics are making their way out of the woodwork in attempts to denounce the nomination; The New York Times has gone as far to say that Gorsuch has been nominated to fill a “stolen seat” that should have been occupied by Barack Obama’s pick, Merrick Garland. Former President Barack Obama was amongst several other Democratic Senators such as Hillary Clinton, Joe Biden and Charles Schumer, who in 2006, unanimously appointed Gorsuch to the Tenth Circuit Court.

The American Conservative Union was quick to make a statement concerning the nomination, affirming that the Colorado native is “a reliable defender of the Constitutional rights of every American”. Judge Gorsuch’s written opinions have continuously reflected his commitment to religious freedom and the Rule of the Law. On the other hand, John Feinblatt, President of Everytown for Gun Safety, the gun prohibition lobbying group founded and sponsored by billionaire Michael Bloomberg, was out with an e-mail blast that states, “While Gorsuch’s record on guns isn’t long, it does suggest that he’s open to making it easier for some felons to have guns.” Met with opposition by Alan Gottlieb, stating that he was “impressed with the fact that Gorsuch recognizes the Second Amendment as a fundamental right to self-defend”, and that “the protection the individualized right to own firearms will not be easily infringed upon”.

# FEDERAL COURT RULES IN FAVOR OF SAF IN CHALLENGE TO CHICAGO GUN REGULATIONS

A three-judge panel of the Seventh U.S. Circuit Court of Appeals today handed the Second Amendment Foundation a victory in its challenge of firearms regulations in the City of Chicago, striking down a zoning provision, reversing an earlier ruling that upheld “distancing” restrictions for gun ranges, and reversing an earlier ruling that upheld certain age restrictions.

Writing for the court, Judge Diane S. Sykes noted, “To justify these barriers, the City raised only speculative claims of harm to public health and safety. That’s not nearly enough to survive the heightened scrutiny that applies to burdens on Second Amendment rights.”

“We are delighted with the outcome of this lengthy case,” said

SAF founder and Executive Vice President Alan M. Gottlieb. “The extremes to which the city has gone in an attempt to narrow its compliance with the Supreme Court ruling in *McDonald v. City of Chicago* can only be described as incredible stubbornness. In the 6½ years since the high court ruling in our *McDonald* case, the city has had ample opportunity to modify its regulations. Instead, Chicago has resisted reasonableness.

“We had already sued Chicago successfully to knock down its outright ban on gun ranges within the city,” he recalled. “Then they adopted new regulations that included the zoning, distancing and age restrictions that we contested in this legal action, known as ‘Ezell II.’

“The city tried to severely limit where shooting ranges could be located, and they failed,” he continued. “The city put up arguments about the potential for gun theft, fire hazards and airborne lead contamination, and they failed. Even the judge’s opinion today noted that the city had ‘produced no evidentiary support for these claims beyond the speculative testimony of three city officials.’ This nonsense has got to stop.

“Today’s ruling is a victory for citizens of Chicago who want to exercise their rights,” Gottlieb said, “and particularly for Rhonda Ezell, who has been steadfast in her resolve.”

Also on the panel with Judge Sykes were Judges Michael S. Kanne and Ilana D. Rovner.

## SAF CHALLENGES DOJ TO INVESTIGATE GUN RIGHTS VIOLATIONS IN CHICAGO

While the Department of Justice has just issued a scathing report that Chicago police have “systematically violated the civil rights” of minorities in the city, the Second Amendment Foundation today is wondering why the DOJ hasn’t investigated the city for repeatedly violating the rights of gun owners.

“In the wake of our landmark 2010 victory that nullified Chicago’s handgun ban,” noted SAF founder and Executive Vice President Alan M. Gottlieb, “the city has deliberately

dragged its feet and created one roadblock after another in an effort to prevent city residents from exercising their firearms rights. As a result, we’ve had to take the city back to court, while the Justice Department was little more than a spectator.

“We shouldn’t have to do the Justice Department’s work to defend the civil rights of firearms owners,” he added.

In December, Gottlieb wrote in an opinion piece that appeared in several newspapers that the next

attorney general should appoint an assistant whose specific duty would be to search for gun laws that violate the constitutional rights of citizens and take legal action.

“Under Barack Obama,” Gottlieb observed, “the Justice Department has been rather choosy about which constitutional and civil rights they defended. The Second Amendment protects an individual civil right, same as the First, Fourth and Fifth amendments. Let’s hope that when new leadership assumes the helm at Justice, their investigators are reminded that there are ten amendments in the Bill of Rights, and it’s DOJ’s job to protect all of them.

“It would be a welcome change to see the Justice Department come down on Chicago and other municipalities and tell them to clean up their act where gun rights are concerned,” Gottlieb said.



Second Amendment  
**REPORTER**

Published by the  
**Second Amendment Foundation**  
12500 N.E. Tenth Place  
Bellevue, Washington 98005  
425-454-7012  
[www.saf.org](http://www.saf.org)

**Publisher** Alan Gottlieb  
**Managing Editor** Joseph Tartaro  
**Editors** Andrew Gottlieb  
Scott Warren

*Address all editorial matters and letters and other inquiries to the address on the left. For changes of name or address, please send old and new address to the Second Amendment Foundation.*

© SAF 2016



**Register  
TODAY!**

**September 29, 30  
and October 1, 2017**

**The Westin  
Dallas Fort Worth Airport**

# MAKE 2A GREAT AGAIN

**Sponsored by the Citizens Committee for the Right to Keep and Bear Arms  
and the Second Amendment Foundation**

Come meet national gun rights leaders and your fellow grassroots activists at the 32nd Annual Gun Rights Policy Conference (GRPC 2017) in Dallas-Fort Worth, Texas. This is your once-a-year chance to network and get an insider look and plan pro-gun rights strategies for the coming year.

Past GRPCs have outlined victory plans and made public the latest firearms trends. They allow you a first-hand chance to hear movement leaders--and make your voice heard.

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](http://www.saf.org) or [www.ccrkba.org](http://www.ccrkba.org) for updates.

## **CONFERENCE and HUNDREDS OF DOLLARS WORTH OF MATERIALS ARE FREE!**

Books, monographs and other materials—enough to start a Second Amendment library are free, as are Saturday luncheon, Friday and Saturday evening receptions and morning and afternoon breaks. Other meals, travel and lodging are to be paid by attendee. To register for the special room rate of \$106 per night, call The Westin Dallas Fort Worth Airport at 1-844-390-9473 and mention GRPC. A tentative agenda will be sent in early September.

## **2017 Gun Rights Policy Conference / FREE**

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.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE (\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_ Topics you would like discussed: \_\_\_\_\_

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. appeals. Case is on appeal.

- **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, NSSF, and NRA File a Lawsuit Over Seattle Gun Tax . . .** Second Amendment Foundation, National Shooting Sports Foundation and National Rifle Association in an historic collaboration file suit in King County Superior Court over the adoption by the City of Seattle of a punitive tax on firearms and ammunition in violation of Washington State preemption laws. Case is on appeal.

- **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.

# LEGAL CASES

• **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 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). Government is appealing.

• **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 financially backing 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

(Continues on page 6)

# LEGAL BRIEFS

(Continued from pages 4-5)

that bans handguns based on a roster of “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. Another decision from the Seventh Circuit Appellate Court is imminent.

## SAF WINS PRELIMINARY INJUNCTION V. MONTANA CCW CITIZENSHIP REQUIREMENT

The Second Amendment Foundation has scored another court victory, this time in Montana where a federal district court judge has entered a preliminary injunction against the state’s citizenship requirement in order to obtain a concealed carry license.

U.S. District Court Judge Donald W. Molloy at the district court in Missoula has also stayed the case because the Legislature is currently considering legislation that would repeal the citizenship requirement. The case is Knutson v. Curry.

SAF founder and Executive Vice President Alan M. Gottlieb noted that this is just the foundation’s latest effort to secure protections for permanent legal resident aliens.

The plaintiff in this case, Lenka Knutson, resides with her husband and two children in Whitefish. She is a citizen of Slovakia and a SAF member.

“We’re certainly happy with the judge’s ruling,” Gottlieb said, “and we’re gratified that the Montana Legislature is working to fix this problem. We’ve fought similar battles in Missouri, Nebraska, Arkansas, North Carolina and New Mexico on behalf of legal resident aliens.”

“This lawsuit is about the recognition that lawful resident aliens share the same Second Amendment rights as citizens,” attorney David G. Sigale noted. “We are very gratified that the Court has vindicated Ms. Knutson’s right to self-defense, and we are

also glad the State is taking steps to correct a clearly discriminatory law.”

Under terms of the order, Judge Molloy also cancelled a scheduled Feb. 13 trial.

Lenka had gone to the Flathead County Sheriff’s Office in 2014 to apply for a concealed carry permit, even though she is not a U.S. citizen. The permit was denied because she is a permanent resident and not a citizen. The lawsuit followed, with representation by Sigale of Glen Ellyn, Illinois and Quentin M. Rhoades and Nicole L. Seifert of Missoula.

“The decision by Judge Molloy is one more example of SAF’s effort to win firearms freedom, one lawsuit at a time,” Gottlieb stated.

# FED. COURT ALLOWS CHALLENGE TO PROCEED AGAINST ILLINOIS FOSTER PARENT RULES

A federal district court judge in Illinois has denied that state's motion to dismiss a legal challenge by the Second Amendment Foundation of its foster parenting rules that place restrictions on the possession of firearms for personal protection.

SAF filed the lawsuit last summer on behalf of Kenneth and Colleen Shults in U.S. District Court for the Central District of Illinois. Named as a defendant in the case is George H. Sheldon, in his official capacity as director of the Illinois Department of Children and Family Services (IDCFS). SAF is joined by

the Illinois State Rifle Association.

On Tuesday, District Judge Colin Stirling Bruce ruled that there are "sufficient factual allegations to state a claim to relief that is plausible on its face." The complaint alleges that the state has deprived Kenneth and Colleen Shults of their civil rights under color of law.

"We brought this action on behalf of the plaintiffs to establish that the state's restrictions on the possession and carrying of firearms by foster parents is unconstitutional under both the Second and Fourteenth amendments," said SAF founder and Executive Vice

President Alan M. Gottlieb. "We're delighted that the judge will allow our action to go forward because it is important to establish that people do not surrender their Second Amendment rights in order to become foster parents. We're in court to make sure that the state cannot discriminate against foster parents who merely wish to exercise the rights we've restored in Illinois."

The case now enters the discovery phase, according to SAF attorney David Sigale of Glen Ellyn, Illinois.

The case is known as Shults et al v. Sheldon.

## SAF ATTORNEYS FILE FOR SUMMARY JUDGMENT IN SEATTLE RECORDS LAWSUIT

Attorneys representing the Second Amendment Foundation (SAF) and its news publication, TheGunMag.com, today filed for summary judgment in a lawsuit filed against the City of Seattle that alleges failure to comply with the state's Public Records Act (PRA).

Last year, TheGunMag.com – a print and on-line monthly magazine – sought information from the city about its first quarter revenues from a controversial "gun violence tax" levied on the sale of firearms and ammunition in Seattle. The city has refused to turn over the information on the grounds that it would violate the privacy of individual gun dealers by revealing the taxes they paid

under the ordinance.

SAF is involved in a separate lawsuit against the gun tax that is joined by the National Rifle Association and National Shooting Sports Foundation, along with two gun stores.

"The fact that the city has steadfastly refused to provide information on the amount of taxes it has received puts the credibility of their initial revenue forecast in serious doubt," said SAF founder and Executive Vice President Alan M. Gottlieb. "The city originally claimed this tax would bring in between \$300,000 and \$500,000 annually, but their silence now is deafening."

TheGunMag.com Senior Editor Dave Workman, who filed the PRA request last year, said

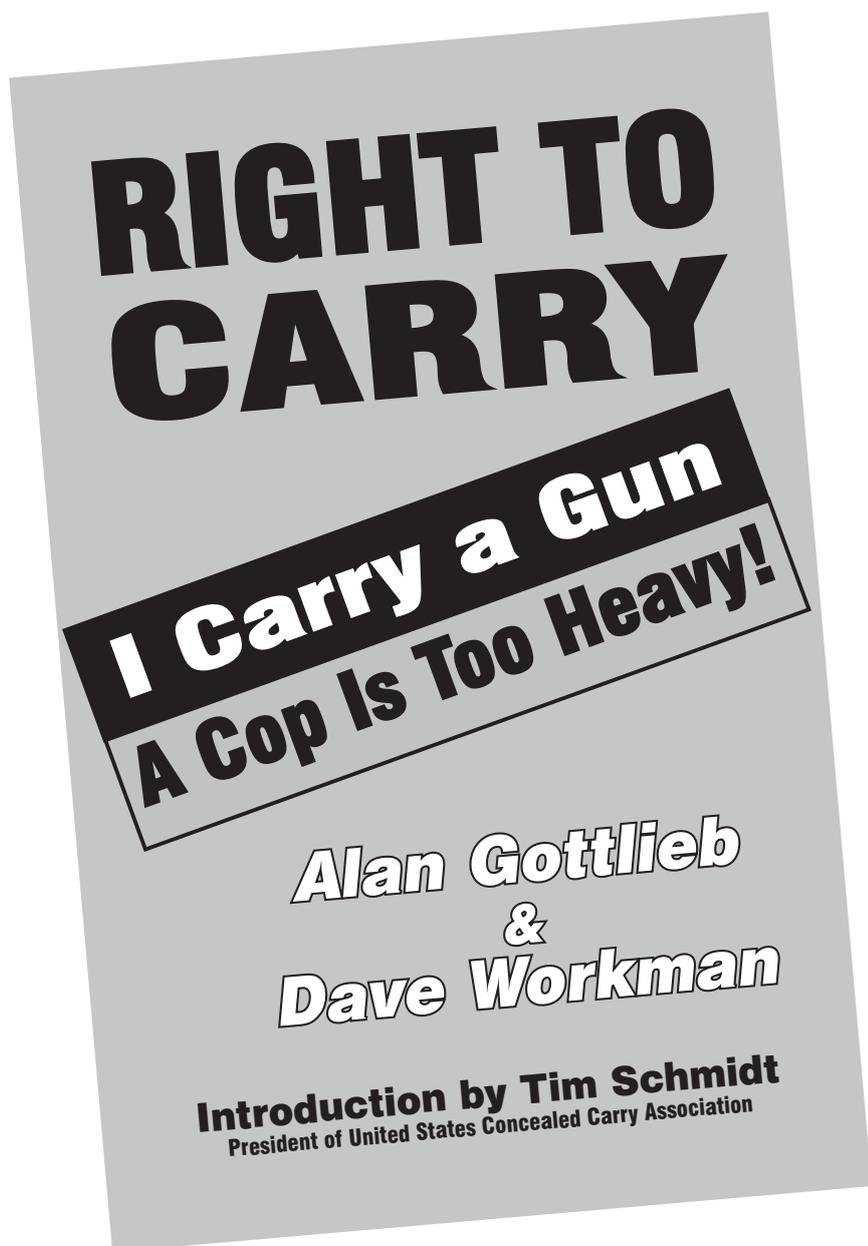
this is a First Amendment issue.

"Seattle taxpayers and the firearms retailers who are directly affected by this tax have a right to know if the city projections were accurate or way off base," he said. "We've never been interested in which retailer paid how much. We just want the public to know the tax revenue total, because the public has a right to this information."

Plaintiffs are represented by Seattle attorneys Steven Fogg and David Edwards with Corr, Cronin, Michelson, Baumgardner, Fogg & Moore. Fogg and Edwards also represent SAF, the NRA and NSSF in their challenge of the Seattle gun tax on the grounds that it violates the state's 33-year-old preemption statute.

# Don't miss the new book: "Right To Carry"

by Alan Gottlieb  
&  
Dave Workman



"This book is absolutely indispensable for any gun owner who does not want to leave his cave without his club."

--Mark Walters, Talk show Host,  
Armed American Radio

"Gottlieb and Workman have done it again. They have hit another bulls eye with this important new book."

--Tom Gresham, Talk Show Host,  
Gun Talk

"With this book Gottlieb and Workman do an impressive job intercepting, confronting and repelling everything the gun prohibitionists do to block the right to carry a firearm for self-defense."

--AWR Hawkins PhD, Contributor.  
Breitbart.com

**SAF Member Exclusive Offer! Get "Right To Carry" for 25% off list price! Get your copy for only \$15.00.  
Also available at [www.saf.org](http://www.saf.org) and by calling 1-800-426-4302.**

Name: \_\_\_\_\_

Credit Card: \_\_\_\_\_

Address: \_\_\_\_\_

Exp Date: \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

My Check is enclosed

Phone \_\_\_\_\_

Second Amendment Foundation 12500 NE 10th Place Bellevue, WA 98005