



REPORTER

SCOTUS REVIEW SOUGHT IN CHALLENGE OF ALAMEDA COUNTY GUN STORE BAN

Attorneys for the Second Amendment Foundation and its partners in a challenge of an Alameda County, California zoning ordinance that effectively bans gun stores have filed a writ of certiorari seeking review by the Supreme Court of the United States.

The lawsuit was against an Alameda County ordinance that prohibits gun stores from being located within 500 feet of a residential zone. Plaintiffs won before a three-judge panel of the U.S. Ninth Circuit Court of Appeals, but that was reversed following an en banc hearing before the full appeals court. Now the case is being appealed to the high court.

SAF is joined in the case by the California Association of Federal Firearms Licensees, the Calguns Foundation, Inc., and three businessmen, John Teixeira, Steve Nobriga and Gary Gamaza. They are represented by Virginia attorney Alan Gura and California attorney Don Kilmer.

“You simply cannot allow local governments to ignore the Second Amendment because they don’t like how the Supreme Court has ruled on the amendment twice in the past ten years,” noted SAF founder and Executive Vice President Alan M. Gottlieb. “You shouldn’t be able to zone the Second Amendment out of the Bill of Rights.”

“Local neighbors who live eight lanes across an interstate and the anti-rights politicians that cater to them can’t redline gun stores and the right to buy arms out of existence,” noted Gene Hoffman, chairman of the Calguns Foundation. “Since this case was filed multiple local city and county governments have used unconstitutional zoning laws to stop new gun stores from opening and close down existing gun stores. If this was a book store or an abortion clinic, the Ninth Circuit would not have hesitated in striking this zoning regulation unanimously.”

“The Supreme Court declared that the Second Amendment was not a second-class right, but lower courts are ignoring that and holding otherwise—and so far, they’ve been getting away with it. We hope this case gets individual liberty back on track,” added Brandon Combs, executive vice president of the California Association of Federal Firearms Licensees.

“The federal courts exist, in part, to protect fundamental rights that might not be popular in certain jurisdictions,” noted California attorney Don Kilmer, who represents the plaintiffs. “Today, in the Ninth Circuit, those are gun rights. Tomorrow, who knows? One question presented by this case is whether our rights are subject to only one Constitution, or do those rights change from state to state?”

SAF, COLORADO GROUP FILE AMICUS BRIEF IN MAGAZINE BAN APPEAL

The Second Amendment Foundation (SAF), joined by the Millennial Policy Center (MPC), has filed an amicus brief in the challenge of Colorado’s ban on so-called “large capacity magazines,” using history, nineteenth century tradition and the

Colorado State Constitution to support the challenge.

The brief was submitted to the Colorado Court of Appeals by attorney Joseph Greenlee of Denver.

“Colorado’s history clearly demonstrates that the notion of

limiting the ability of law-abiding citizens to defend themselves by limiting the number of cartridges a firearm can hold is, at best, ludicrous,” said SAF founder and Executive Vice President Alan M. Gottlieb. “There is

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nothing in the Colorado Constitution that supports the action by state lawmakers, or the decision of the District Court.”

The lawsuit, filed by the Rocky Mountain Gun Owners, National Association for Gun Rights and a private citizen, John A. Sternberg, challenges the magazine ban, enacted in 2013 by the Colorado Legislature.

In their argument supporting the

plaintiffs, SAF and MPC note that firearms capable of firing multiple rounds of ammunition are not a recent phenomenon, and have been useful in the Centennial State throughout its history.

“Colorado’s right to arms provision is broader than the right codified in the Second Amendment of the United States Constitution,” the amicus brief notes, “as the latter has been interpreted to this point. Wherever

the rights differ, it is the Colorado right that provides broader protection. Moreover, the protection it provides is greater in force.”

Colorado’s right to bear arms provision was included in the state constitution, adopted in 1876, and it has not changed since then.

Plaintiffs are seeking a reversal of a district court ruling that upheld the magazine ban, and in their amicus brief, SAF and MPC concur.

SAF FILES CHALLENGE TO CALIFORNIA ‘ASSAULT WEAPONS’ REGULATIONS

The Second Amendment Foundation has filed a lawsuit against the State of California challenging the newest regulations on so-called “assault weapons” and alleging that, as promulgated, they violate the state Administrative Procedures Act. The suit is *Holt et. al. v. Becerra et. al.*

Joining SAF are the Calguns Foundation, Firearms Policy Coalition, Firearms Policy Foundation and several individual California citizens. Named as defendants are state Attorney General Xavier Becerra, the California Department of Justice, along with Stephen Lindley, chief of the Department of Justice Bureau of Firearms; Debra M. Cornez, director of the Office of Administrative Law and Betty T. Yee, California state controller.

The 55-page document further alleges that the challenged regulations “are invalid and unenforceable (because) they far exceed the scope, content, and purpose of the legal authority on which they are purportedly based.” California lawmakers have incrementally tightened regulations on the ownership of so-called “assault weapons” over the past several years while expanding the definition of what constitutes such a firearm. The new regulations have done likewise with no oversight, the lawsuit explains.

SAF and its co-plaintiffs contend that the Department of Justice has pushed through a broad set of “assault weapons” regulations through the state Office of Administrative Law without any oversight or public input. As a result, the state DOJ has

essentially revamped California’s regulatory scheme.

“The state’s relentless effort to crush the rights of law-abiding gun owners has gotten completely out of hand,” said SAF founder and Executive Vice President Alan M. Gottlieb. “In this particular case, the new regulations not only exceed the scope of the law, they are in conflict with the law, and are contradictory in some cases.

“It amounts to an illegal regulatory scheme that should not be allowed to go forward,” he added. “The government agencies responsible for enforcing the law must also follow the law. This case is an important step in protecting millions of law-abiding gun owners from an out-of-control regulatory state.”

CGF Chairman Gene Hoffman noted, “The DOJ has used every trick in the book to avoid good faith rule-making action, and we cannot allow that to go unchallenged. California laws are bad enough without piling on unlawful and harmful regulations, so we seek here to restore the rule of law—and some sanity.”



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SAF CONDEMNS ANTI-GUN HYPOCRISY AFTER NEW YORK CITY CARNAGE

With at least eight people dead and more injured in a truck attack in New York City, the Second Amendment Foundation today condemned the hypocrisy of anti-gunners for remaining silent because the suspect did not use a firearm to create mayhem.

“When are the gun control zealots going to admit that the problem we’re facing isn’t guns, it’s violence,” said SAF founder and Executive Vice President Alan M. Gottlieb. “While most Americans are alarmed and saddened by Tuesday’s horrible events, the gun control crowd, including Mayor Bill de Blasio, hasn’t immediately started screaming about ‘truck violence’ or ‘truck control.’

“Only when a firearm is used

do these extremists focus on the weapon,” he continued. “Nobody’s talking about banning trucks. There hasn’t been a rush to the microphones to demand background checks for people who drive pickups. But if a gun had been this madman’s weapon of choice, you would already be hearing shouts for more restrictions on the Second Amendment.”

Police shot the suspect and he is now in custody. He left a trail of broken bodies in his path before law enforcement managed to take him down...with a gun, Gottlieb noted.

“Our hearts and prayers are with the victims and their families,” Gottlieb said. “And our hope is that in the midst of this madness,

people can come together and understand that you cannot blame the tool. It’s the black heart of the individual who commits such a heinous act.

“Tens of millions of law-abiding Americans use firearms responsibly every day,” he observed, “and they also drive along our highways, city streets and county roads without harming a soul. Their driving privileges are never threatened when some lunatic runs over a crowd of people, but let one criminal commit a crime with a gun, and suddenly all of us are slandered.

“The problem isn’t gun violence or truck violence,” he said. “The problem is violence, and we’ve got to deal with this problem together.”

SECOND AMENDMENT ENABLED ARMED CITIZEN TO INTERVENE IN TEXAS

For the third time, a legally-armed private citizen has intervened in a church shooting, once again underscoring the importance of the right to keep and bear arms, the Second Amendment Foundation said today.

Sunday’s tragic mass shooting might have been even worse, according to some officials, had not an armed “good Samaritan” fired at mass shooter Devin Patrick Kelley. It was that exchange of gunfire that caused the killer to flee Sutherland Springs with the armed citizen and another man in pursuit, eventually veering off the highway, where he apparently died from a self-inflicted gunshot wound.

“What happened Sunday in

Sutherland Springs once again demonstrates that armed, law-abiding Americans will step forward when the need arises to defend their neighbors and their communities,” said SAF founder and Executive Vice President Alan M. Gottlieb. “This is not the first time an armed citizen has engaged in a heroic act at a church.

“In Tennessee on Sept. 24,” he recalled, “a gunman opened fire at the Burnette Chapel Church of Christ, only to be confronted by Robert Engle, who physically confronted the shooter and, despite being injured, continued the fight until the gunman accidentally shot himself. Engle then retrieved his own gun from his car and held the

suspect for police.

“Back in 2007,” Gottlieb added, “a woman named Jeanne Assam shot a man who had entered the New Life Church in Colorado Springs after killing two teens outside. That killer subsequently took his own life.

“We stand in agreement with Texas Attorney General Ken Paxton who told both MSNBC and Fox News early Monday that Kelley had already violated laws against murder, so another gun law would not prevent this from happening,” Gottlieb concluded. “The courage of these individuals can never be overstated. Our thoughts and prayers are with the victims and their families.”

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. had until the end of August to decide if they would appeal to SCOTUS. They did not.

· **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**

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LEGAL BRIEFS

(Continued from pages 4-5)

Handgun Ban Scheme . . . SAF and Calguns Foundation filed a lawsuit challenging a regulation 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. City of Chicago pays SAF 7 years of legal fees.

SAF, CALGUNS SEEK SUPREME COURT REVERSAL OF 9TH CIRCUIT RULING

Attorneys for the Second Amendment Foundation and Calguns Foundation have filed a brief seeking U.S. Supreme Court review and ultimate reversal of a ruling by the U.S. Ninth Circuit Court of Appeals in their long-running challenge of California’s waiting period requirement on additional firearm transactions for people who already own guns.

The case is known as *Silvester v. Becerra*, which challenges the Golden State’s 10-day waiting period on firearms transfers to gun-owning citizens.

“Rights delayed are rights denied,” said SAF founder and Executive Vice President Alan M. Gottlieb. “By

defending this waiting period, the state of California is essentially saying gun owners are potential criminals who are considered guilty until they prove themselves innocent, which is silly because they already own guns.

“The Second Amendment, which was incorporated to the states via the 14th Amendment in SAF’s 2010 Supreme Court victory in *McDonald v. City of Chicago*, is not a second-class right,” he added. “Nor are gun owners in California, or anywhere else in the Ninth Circuit, second-class citizens who must be treated differently than any other citizen simply because they wish to exercise their right to keep and bear arms.”

Gottlieb said the *Silvester* case “simply begs for attention from the Supreme Court.”

“It is nonsense for the state to enforce a waiting period on someone who has passed a background check and who already owns other firearms and may have a concealed carry permit,” Gottlieb observed.

As noted in the brief, “there is no suggestion that the California legislature ever considered or addressed evidence regarding the need for a cooling-off period either generally or, more relevantly, for those who already own a gun.”

“It’s time for the Supreme Court to straighten out this problem,” Gottlieb concluded.

DRGO FILES AMICUS BRIEF IN DUNCAN (CA) MAGAZINE BAN CASE

In response to a brief from the American Academy of Pediatrics (AAP) and American College of Emergency Physicians (ACEP) filed in the *Duncan v. Bercerra* case, Doctors for Responsible Gun Ownership (DRGO) has submitted an amicus brief to the 9th Circuit Court of Appeals.

DRGO is a project of the Second Amendment Foundation. Their brief argues that the injunction issued by U.S. District Court Judge Roger Benitez should be affirmed.

At the core of the *Duncan* case is the question: "Can a state confiscate arms that are in common use by law-abiding citizens?"

"The AAP and ACEP submitted a brief filled with lazy and hackneyed arguments supported by criminological authorities the likes of motherjones.com," said DRGO Project Director Arthur Z. Przebinda, MD. "This is in keeping with their tradition of relying on shoddy academic work to support an agenda of civilian disarmament."

DRGO's brief argues that:

- "Large-Capacity" Magazines are in wide, common use, are not "dangerous and unusual," and as such are constitutionally protected.
- The magazines in question are very rarely used in mass shootings.

- The ban dispossesses law-abiding citizens but will not dispossess criminals.

- The ban will endanger good people by reducing the number of defensive shots they can fire.

The brief was prepared for DRGO by Colorado attorney Joseph G.S. Greenlee, who is Counsel of Record for all amici: DRGO, the Independence Institute and the Millennial Policy Center. Attorney David B. Kopel of the Independence Institute co-authored the brief.

"Joseph Greenlee did stellar work in compiling a detailed brief, founded in research and case law," Dr. Przebinda said.

SAF AMENDS CHALLENGE TO CAL. 'ASSAULT WEAPON' REGS, SEEKS INJUNCTION

Attorneys for the Second Amendment Foundation and its partners in a challenge to the California Department of Justice regulations on so-called "assault weapons" have filed an amended complaint in the case, and are also seeking an injunction against the new regulations.

The case is known as *Holt v. Bercerra*. It was filed in Superior Court in Riverside County.

SAF is joined by The Calguns Foundation (CGF), Firearms Policy Coalition (FPC), Firearms Policy Foundation (FPF) and five individual California residents. The amended complaint adds Craig Stevens as an individual plaintiff. He is currently serving with the California Army National Guard and is presently deployed to the Middle East.

Stevens legally built his firearm and when he learned his National Guard unit was to be activated, he began

requesting a DOJ-issued serial number per state statute. He never received a reply, and after several phone calls to the Department, he was told the agency was not issuing serial numbers. He then utilized the voluntary registration procedure, which the DOJ accepted, but the agency subsequently refused to allow Stevens to register the firearm as an "assault weapon."

In seeking the injunction, the plaintiffs note that they "are forced to bring this action because the California Department of Justice (DOJ) has engaged in (a) sort of unbridled improper exercise of power in promulgating and enforcing the broad and sweeping set of 'assault weapons' regulations that it successfully pushed through (the Office of Administrative Law), with no oversight or public input at all."

"As we explain in the amended brief," said SAF founder and Executive Vice President Alan M. Gottlieb, "California DOJ has exceeded its authority by issuing regulations that 'fundamentally alter the statutory landscape governing 'assault weapons' which the Legislature has established.' State agencies simply can't make things up as they go along."

The 57-page amended complaint details specifically how the California DOJ exceeded its authority and asserts that the defendants, "acting under color of state law, are and have been propagating customs, policies, and practices that constitute an unconstitutionally vague regulatory scheme."

"SAF and its partners simply can't turn a blind eye to this situation," Gottlieb said. "California DOJ must follow the rules, and it is clear to all of us that they haven't."

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

RIGHT TO CARRY

**I Carry a Gun
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**Alan Gottlieb
&
Dave Workman**

Introduction by Tim Schmidt
President of United States Concealed Carry Association

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