



# REPORTER

## SAF, CCRKBA, JPFO FILE JOINT AMICUS BRIEF IN CHALLENGE OF NYC GUN LAW

The Second Amendment Foundation and Citizens Committee for the Right to Keep and Bear Arms have been joined by four other rights groups in an amicus curiae brief to the U.S. Supreme Court in support of a challenge to New York City's restrictive handgun law that prohibits handguns licensed in the city to be taken outside the home.

Joining SAF and CCRKBA are Jews for the Preservation of Firearms Ownership, the Independence Institute, Millennial Policy Center and Professors of Second Amendment Law. They are supporting a lawsuit filed by the New York State Rifle & Pistol Association and three private citizens against the New York City law. The case has been accepted for review by the Supreme Court.

In their brief, prepared by attorneys Joseph Greenlee with the Millennial Policy Center and David Kopel from the Independence Institute, the amici organizations contend that strict scrutiny should apply to this case, which amounts to a ban on self-defense for law-abiding citizens. They also contend that the city's ban on most travel by citizens with their own handguns is a severe burden on the exercise of their rights.

In their brief, Kopel and Greenlee remind the high court that, despite the court's declaration that the Second Amendment is not a second-class right "to be singled out for special—and specially unfavorable—treatment," several lower courts "have boldly admitted doing so." The New York case affords an opportunity to the Supreme Court to correct that.

"Our groups joined in this single amicus brief because it lays out, in a powerful and compelling way, how the Second Amendment is still being treated like an unwanted step-child by lower courts despite language in the Heller and McDonald rulings in 2008 and 2010," said SAF founder and Executive Vice President Alan M. Gottlieb. "New York's draconian gun law treats the right protected by the Second Amendment as if it were a strictly-regulated government privilege.

"We're delighted to join these other groups in this brief to the Supreme Court," he added. "It is the first Second Amendment case to be accepted by the high court in nearly a decade, and its significance cannot be overstated. We believe the city's gun law is an affront to the Constitution and both the Heller and McDonald rulings."

## 3 FOR 3 GUN RIGHTS COURT WINS IS GOOD NEWS FOR 2A

Three victories in three Second Amendment-related cases—two from New York and one from Wisconsin—is good news for gun rights, the Second Amendment Foundation said.

"This should be tantamount to 'three strikes and you're out,'" said SAF founder and Executive Vice President Alan M. Gottlieb. "Gun control took three hard punches and should be down for the count."

He was alluding to the following cases:

- The U.S. Supreme Court has ruled against New York City in its attempt to stay a challenge to that city's handgun law that prevents gun owners from taking their handguns outside of their homes or the city. The Court has already granted review of the case.

- The Wisconsin State Supreme Court dismissed a lawsuit against Armslist LLC that alleged the popular website was liable for the acquisition of a gun by Radcliffe Haughton in October 2012. Haughton was subject to a restraining order at the time. The state high

court ruled 5-1 that Armslist LLC is protected from liability by the federal Communications Decency Act. Haughton used the gun to murder his wife and two of her co-workers.

- The New York State Supreme Court dismissed two SAFE Act charges against a man convicted of selling a firearm to an undercover officer in 2014. The SAFE (for Secure Ammunition and Firearms Enforcement) is an extreme gun control act championed by anti-gun-rights Gov. Andrew Cuomo.

"In New York's cases," Gottlieb observed, "the court rulings should be a clear signal that the state, and New York City, have taken gun control to unacceptable extremes. They need to be reined in.

"The Wisconsin case should never have been filed in the first place," he added. "The federal law is supposed to prevent such legal actions, and the Armslist case shows why.

"Gun rights court victories are like seeds," Gottlieb said. "They grow into big legal precedents."

# SAF COURT VICTORY ENDS GUN BAN

A federal judge has issued a permanent injunction against the East St. Louis Housing Authority's (ESLHA) ban on firearms possession by residents of government subsidized public housing and thus granting a victory to the Second Amendment Foundation, which sued the town in 2018 over the ban.

The lawsuit was filed on behalf of an "N. Doe" resident who wished to protect her identity, because she is, according to the lawsuit, "hiding from a violent domestic abuser. SAF was joined by the Illinois State Rifle Association. They were represented by Glen Ellyn, Illinois attorney David Sigale.

"We are delighted with the judge's decision, which we hope sends a message to other municipal governments that they can't try to sneak around the two United States Supreme Court victories that SAF

and its attorneys were involved in to further their efforts to ban legal firearms ownership," said SAF founder and Executive Vice President Alan M. Gottlieb.

Gottlieb noted, "Our attorney in this case, David Sigale, holds the record for the most gun rights court victories in the legal profession."

"This isn't the first time we've had to challenge such a regulation," said SAF founder and Executive Vice President Alan M. Gottlieb. "It is simply unacceptable for citizens living in public housing to be denied their basic right to have a firearm for personal protection, and in this case, it was unconscionable."

The court order of final judgment ruled that the plaintiff's rights were violated under the Second and Fourteenth amendments due to a requirement that no firearms be possessed on the property as a

condition of lease.

"This situation was made even more outrageous considering what has happened to Ms. Doe while living at her home," Gottlieb noted, referring to the lawsuit. "We've explained how she was beaten and raped in January 2017, and her children stopped the attack only by threatening to use a gun. On two other occasions, Ms. Doe had to call police due to shootings in nearby residences. When the housing authority threatened to terminate her lease due to the gun in her residence, they insisted that the building is safe, so she doesn't need a gun."

"This kind of gun prohibition extremism has no place on American soil," Gottlieb observed. It's just one more example of how the Second Amendment Foundation is winning firearms freedom, one lawsuit at a time."

## 'RED FLAG' LAWS MUST PROTECT DUE PROCESS

Extreme Risk Protection Orders, generically known as "red flag laws" that allow the seizure of private firearms based on a complaint filed with the authorities must include and guarantee due process, or they shouldn't be allowed, the Second Amendment Foundation said.

Amid rising concerns about due process in the enforcement of such laws, which have already resulted in one fatal shooting in Maryland, SAF founder and Executive Vice President Alan M. Gottlieb said there is always the potential for abuse without careful scrutiny. He questioned the motives of some politicians who support "red flag" laws without consideration for the

rights of affected gun owners.

"More needs to be done to keep politicians with power grab addictions away from people's guns," the gun rights advocate observed. "That is the 'red flag' kind of law we should all support."

He also noted that these laws seem more concerned with taking away peoples' guns and less concerned about keeping potentially dangerous people off the streets.

"If you send police to confiscate someone's firearms because he is considered to be a threat to himself or someone else," Gottlieb questioned, "but you leave that individual essentially on the loose, what's to prevent that person from committing

mayhem with a car or some other weapon? We've seen what happens when someone plows into people with a vehicle in New York, Toronto, and Nice, France.

"On the other hand," he continued, "we've also seen cases where people have been falsely accused, and it has essentially ruined their lives. Nobody should be subjected to such legal abuse, essentially being considered guilty until they prove themselves innocent, and in the meantime having their Second Amendment rights suspended or revoked. After all, this is still the United States, not a police state.

"The Fifth Amendment," he said, "guarantees that no person shall be deprived of life, liberty, or property without due process of law. Our legal system has endeavored to zealously protect that right. We should expect the same zealous protection of our Second Amendment right to keep and bear arms, because all individual rights are equally important. To violate one right in an effort to trample the other must never be permitted."



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# FED. JUDGE DENIES MOTION BY WASHINGTON A.G. TO COMPEL SAF DISCOVERY IN 3D CASE

A U.S. District Court judge in Seattle has denied a motion by the Washington State Attorney General's office that sought to compel the Second Amendment Foundation and Defense Distributed to provide discovery responses in a lawsuit the state filed against the U.S. State Department relating to the publication of information about 3D printing of gun designs.

The four-page order was signed by U.S. District Court Judge Robert S. Lasnik on Friday. In his order, he reminded state Attorney General Bob Ferguson's office that when a preliminary injunction was issued last August, it was not against the private defendants in the case, only the federal government. Ferguson's

office is suing the government, SAF and Defense Distributed, the source of computer design data relating to the production of 3D printed guns.

In his ruling, Judge Lasnik noted, "the injunction issued in this case regulates the acts or omissions of the federal defendants: it imposes no duties or restrictions on the private defendants, but rather reinstates the pre-July 27, 2018, regulatory scheme related to access, discussion, use, and reproduction of the CAD files. Plaintiffs did not request relief from or against the private defendants, and the Court made clear at oral argument that the injunction itself did not require the private defendants to take or refrain from any activities..."

He further reminded Ferguson's office that, "...the private defendants are no more subject to the preliminary injunction than is any other person contemplating the export of computer data files that would allow the creation of guns and their components with a 3D printer."

"We're glad Judge Lasnik reminded Ferguson's office that they can't change the rules and ask for more than they originally agreed to," said SAF founder and Executive Vice President Alan M. Gottlieb. "As the judge noted in his ruling, we haven't violated any term or condition of the original order, and trying to make it appear that way by seeking to expand the scope of the injunction seems like legal harassment to us."

# CT. GUN LAWSUIT LIKE 'PROSECUTING CAR MAKERS FOR CRIMES OF CAR THIEVES'

The Second Amendment Foundation criticized the 4-3 split decision by the Connecticut state Supreme Court that reinstated a lawsuit against Remington Arms over how it marketed the Bushmaster rifle used in the tragic 2012 Sandy Hook school shooting.

"This ruling strains logic, if not common sense," said SAF founder and Executive Vice President Alan M. Gottlieb. "The court dismissed the bulk of the lawsuit's allegations, but appears to have grasped at this single straw by deciding that the advertising is somehow at fault for what Adam Lanza did that day in December more than six years ago.

"This is like suing Ford or General Motors because a car they sold was stolen and used to run over a pedestrian

all because the car manufacturers advertised that their car had better acceleration and performance than other vehicles," he added.

Lanza, 20, first killed his mother and took her legally-purchased Bushmaster rifle to the school, where he murdered 20 youngsters and six adults. The lawsuit contends that Remington's advertising was designed to glorify the Bushmaster rifle and enhance its appeal to younger consumers.

Justice Richard Palmer, writing for the majority, said that the "regulation of advertising that threatens the public's health, safety, and morals has long been considered a core exercise of the state's police powers."

"That is absurd in this case," Gottlieb observed. "Did the advertising

even remotely suggest that the Bushmaster is best for murdering people? It appears to me like the court was looking for a way to squeak around the provisions of the Protection of Lawful Commerce in Arms Act that Congress passed in 2005. After all, the court dismissed most of the allegations, but now has decided that advertising might be at fault. That's a stretch of credulity worthy of surgical elastic."

"There is no evidence the killer was driven by any advertising whatsoever," he said. "This is an affront to the First Amendment as well as the Second. Even hinting that the killer was motivated in some way by an advertising message is so far out in the weeds that it may take a map for the court to find its way back."

This section of The Reporter is usually reserved for a list of our legal cases but in this issue we want to address something that is going to be important for gun rights supporters to focus on in 2019. The Second Amendment is under attack. This is not "fear mongering" this is the truth. What we have been seeing are new tactics designed to not just restrict your rights but to discourage the American people from exercising their constitutional right to keep and bear arms.

- **What is it?** A culture war on gun owners. The idea is to make it a chore to own a firearm and to chastise you if you support the Second Amendment.

- **When did it start?** After the tragedy in Florida in February of 2018 Walmart and Dick's Sporting Goods decided to stop selling to anyone under the age of 21. From there businesses decided to distance themselves from anything "gun" related.

- **What you can do to fight back...** We need gun owners to stand up and be heard now more than ever. Law abiding gun owners should not be punished for a problem that we have nothing to do with. Let your voices be heard. Support companies that support your rights. Support organizations that are actually doing something when it comes to protecting your rights. Get out and vote for people who will solidify your rights. We need to show how many people actually support the Second Amendment so that it is not taken away from us.

The list that follows describes just a select few of the lawsuits that YOUR Second Amendment Foundation is currently participating in.

- **(SCOTUS WATCH) SAF Sues over California Handgun Statute . . .**

The Second Amendment Foundation and Calguns Foundation have petitioned the U.S. Supreme Court for a review of their challenge to California's "Unsafe Handgun Act," a part of that state's penal code that violates the Second Amendment by banning handguns of the kind in common use for traditional lawful purposes. California's Unsafe Handgun Act generally prohibits the manufacture, import or distribution of handguns that do not meet the state's extremely restrictive design requirements under the state penal code. The result, as the plaintiffs contend in their petition for high court review, is that the state is gradually achieving a handgun ban because they cannot meet the impossible requirements, which include microstamping. That technology is not offered by any handgun manufacturer because it cannot be practically implemented, the petition notes.

This case could have interesting repercussions for future laws that try to reach and restrict what type of firearm you are allowed to own as well as how it is made.

- **SAF and NRA Join Forces to Sue over I-1639 . . .**

This Washington State initiative is aimed at making it harder to own a gun if you want to do so legally. Safe storage,

# MEMBER UPDATE

mandatory training, age limits, and a few other details are the highlight of what it aims to do.

Watch for this particular situation to have an impact on what the anti-gun groups try to do in other states that allow ballot initiatives. This was funded by a select few with deep pockets including some out of state interests that found that they could buy an election.

## **SAF Joins Defense Distributed in Lawsuit regarding censorship of 3D Printed objects and sharing files .**

. . This case involves passage in New Jersey last November of legislation that criminalizes constitutionally protected speech. Attorney General Grewal has promised to jail anyone who violates this new statute by publishing or otherwise making available "digital instructions" that "may be used" to "produce a firearm" with a "three-dimensional printer," the lawsuit says. While this case seems to be about firearms at first glance it really is more about free speech. This should have impacts across other issues and has already seen some support from people who understand the tech side more than the Second Amendment side.

**SAF has a record of winning cases that set incredible precedent for the future of expanding out rights. Some of those are:**

McDonald v. Chicago  
Ezell v. Chicago  
Moore v. Madigan

Palmer v. D.C.  
Bateman v. Perdue  
Binderup v. Sessions

**We now have cases in multiple states that are working to protect foster parent's civil rights so that they do not have to make the decision of choosing whether they can take care of kids or protect their home and family.**

Without our supporting members none of these victories would have been possible. Because of our wonderful supporters like you we are constantly trying to build upon that success. All of these cases mean something in the long run but because of how many we take on and how long they can last they end up costing a lot of money.

**Our annual conference is reaching more people than ever before thanks to streaming online and making sure to have fantastic speakers. Because of this wonderful event we are able to educate and grow the firearms community faster than ever before.**

Thank you again for all of your support. We will continue to work hard so that you can continue to trust us to get results!

**Andrew Gottlieb  
Director of Outreach and Development  
Second Amendment Foundation**

# SAF VICTORY: IL. JUDGE ISSUES PERMANENT INJUNCTION AGAINST DEERFIELD GUN BAN

An Illinois judge has issued a permanent injunction against the Village of Deerfield, Illinois prohibiting that jurisdiction from banning so-called “assault weapons” and thus granting a victory to the Second Amendment Foundation, which sued the town in 2018 over the ban.

SAF was joined by the Illinois State Rifle Association and Deerfield resident Daniel Easterday, a lawful firearms owner. They were represented by Glen Ellyn attorney David Sigale.

“We are delighted with the judge’s decision, which we hope sends a message to other municipal governments that they can’t try to sneak around the state’s preemption statute in an effort to ban legal firearms

ownership,” said SAF founder and Executive Vice President Alan M. Gottlieb. “Last year, we were granted a temporary injunction by the circuit court, and this order making it permanent simply solidifies our position.”

The village council had adopted the ban, claiming it was an amendment to an ordinance that was adopted a few years ago that was designed to “regulate” firearms after the state passed its preemption statute in 2013. At the time, Gottlieb said that the village was trying to disguise its anti-gun extremism as an amendment. But the court was not swayed by that defense. Nineteenth Judicial Circuit

Judge Luis A. Berrones signed the order.

The gun ban ordinance contained language that would have allowed confiscation and destruction of so-called “assault weapons” and their original capacity magazines, and levy fines of up to \$1,000 a day against anyone who refused to surrender their guns.

“This is the kind of legislative extremism has no place on American soil,” Gottlieb observed. “The Deerfield Village Board tried to pull a fast one and the court stopped them. It’s just one more example of how the Second Amendment Foundation is winning firearms freedom, one lawsuit at a time.”

## SAF FILES FEDERAL LAWSUIT CHALLENGING SECOND AMENDMENT ENFORCEMENT PRACTICES

The Second Amendment Foundation filed suit in federal district court seeking to have federal and state laws preventing persons who, at one time in their lives, were subject to a mental health “hold” on the exercise of their Second Amendment rights overturned on the grounds that the way those laws and regulations are enforced are in violation of the Constitution.

The lawsuit is asking the court to declare that a section of federal law governing this issue, along with all derivative regulations and all laws, policies and procedures violate the Second Amendment, and the plaintiffs’ due process rights under the Fifth and/or Fourteenth amendments. It was filed in U.S. District Court for the Eastern District of California.

SAF is joined by several California residents who are filing either as

“Jane Roe” or “John Doe” to protect their identities. Named as defendants in their official capacity in this case are acting Attorney General Matthew Whitaker, the Department of Justice, FBI and Bureau of Alcohol, Tobacco, Firearms and Explosives, and California Attorney General Xavier Becerra. Plaintiffs are represented by noted California civil rights attorney Donald Kilmer.

“We’re challenging the policies, practices and procedures of either or both the U.S. and California governments, and the way they interpret and implement these laws and regulations,” said SAF founder and Executive Vice President Alan M. Gottlieb. “Specifically, under California law, un-adjudicated mental health holds require that firearm purchases must be denied, even though such holds have no federal consequences.

In California, a prospective gun purchaser must wait for five years after such a hold has occurred, or they may apply for relief under state statute.”

Several of the plaintiffs have actually had full adversarial hearings under California law to restore their rights and Superior Court judges have granted their petitions. Yet they are still being denied when they try to exercise their Second Amendment rights. The lawsuit notes that there are several theories for these constitutional violations, the most being bureaucratic inertia and the most sinister being a hostility to the exercise of Second Amendment rights by “government actors.”

“Our lawsuit is asking for injunctive and declaratory relief,” Gottlieb said. “This is a situation that begs the court’s attention and should not be allowed to continue.”

# SAF QUESTION CONGRESSIONAL MOTIVES BEHIND NRA INVESTIGATIONS

Reports that the National Rifle Association is being engulfed in what one publication described as “a rapidly expanding tangle of congressional investigations” raise an important question that nobody has been asking: Is this a deliberate effort by anti-gun-rights Congressional Democrats to overwhelm the organization’s leadership and prevent NRA from fulfilling its mission to protect the Second Amendment?

That’s what the Second Amendment Foundation and Citizens Committee for the Right to Keep and Bear Arms are wondering as House Democrats are pressing their gun control agenda.

“According to The Trace, which is funded by anti-gun billionaire Michael Bloomberg, Congress has launched six investigations of the NRA,” noted SAF founder and Executive Vice President Alan Gottlieb. “With Democrats in

control of the House, promising to push a full slate of gun control measures, that seems just a little curious.”

Gottlieb, who also chairs the CCRKBA, said it is fair to question an avalanche of investigations involving the NRA at a time when its attention should be focused squarely on renewed efforts to erode the Second Amendment.

“Are these investigations legitimate,” Gottlieb wondered, “or are they a deliberately choreographed attempt to distract the NRA’s focus when it needs to be concentrating on the battle now developing on Capitol Hill?”

“We’ve been delighted to work with NRA on a number of efforts,” he continued, “including our successful lawsuits against the 2005 post-Katrina gun grab in New Orleans,

the San Francisco gun ban, our joint challenge of Seattle’s attempted parks gun ban and our ongoing federal lawsuit against a gun control initiative in Washington State. So, when we see this kind of congressional onslaught at the same time Beltway anti-gunners are trying to ram through an aggressive gun control agenda, let’s just say our radar is up.”

Gottlieb said that if there are legitimate issues, they need to be explained to the nation’s 100 million gun owners.

“Otherwise,” he observed, “all of this may amount to a lot of smoke and mirrors designed to not simply distract NRA but to discredit it in the eyes of its members, supporters and allies when we all should be working together to defend our fundamental rights at a time when they are under unceasing attack.”

## EDMONDS GUN LAW ‘RIPE FOR DETERMINATION’

A Snohomish County Superior Court judge will allow a lawsuit challenging a so-called “safe storage” ordinance in the City of Edmonds to proceed, ruling that all plaintiffs in the case have standing to challenge the ordinance as a violation of Washington State’s 35-year-old preemption law that placed sole authority for firearms regulation in the hands of the Legislature.

The case is brought by the Second Amendment Foundation, National Rifle Association and two private citizens, Brett Bass and Swan Seaburg. Judge Anita L. Farris denied a motion by the City to dismiss the case, noting that “the Plaintiff’s claim that the ordinance is preempted by state statute is ripe for determination.”

Edmonds adopted a “safe storage” requirement last year, which violates

the preemption statute. SAF and NRA promptly filed suit with the two private citizens.

Judge Farris has done what King County Superior Court Judge Barbara Linde would not do when she dismissed a similar lawsuit against the City of Seattle on technical grounds after the city argued that the plaintiffs lacked standing to sue. SAF and NRA have appealed her ruling. Seattle has adopted a “safe storage” requirement, possibly emboldened to challenge state preemption because it also adopted a controversial “gun violence tax” in 2015 that the State Supreme Court allowed to stand.

“We’re encouraged by Judge Farris’ order,” said SAF founder and Executive Vice President Alan M. Gottlieb. “The city knows

this ordinance violates the state preemption statute, and we believe this ordinance, and the one in Seattle, were passed specifically to erode the state law.

“The cities have desperately wanted to remove the preemption law so they can establish their own, possibly contradictory gun control rules,” he continued. “Their ultimate goal is to discourage citizens from exercising their rights under the state and federal constitutions by financial intimidation through fines that could climb to \$10,000 under the Edmonds ordinance. The cities want to take Washington State back in time, to an era when a patchwork quilt of confusing, conflicting gun laws existed. State Preemption did away with that, and it’s time for the courts to end this nonsense.”



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**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 34th Annual Gun Rights Policy Conference (GRPC 2019) in Phoenix, AZ near Sky Harbor Airport. This is your once-a-year chance to network and get an insider's 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 look at critical issues such as: city and state gun bans, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, gun and ammunition taxes, mandatory insurance schemes, and state and local activity. We'll preview the 2020 elections, discuss state initiative battles and analyze the surge in Right to Keep and Bear Arms court cases.

The full roster of GRPC 2019 speakers has not yet been set. Past speakers have included: Alan Gottlieb, Joseph Tartaro, Alan Gura, Tom Gresham, Larry Elder, John Lott, David Hardy, Eugene Volokh, Dave Kopel, Massad Ayoob, Mark Walters, David Sigale, Sidney Powell, 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.

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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 \$119 per night, call the Sheraton Crescent at 1-800-325-3535 and mention GRPC. A tentative agenda will be sent in early September.

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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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