



REPORTER

SUPREME COURT GRANTS CERT IN SAF FRAMES, RECEIVERS CASE

The U.S. Supreme Court has granted the petition for a writ of certiorari in the case of *Garland v. VanDerStok*, which challenges the Bureau of Alcohol, Tobacco, Firearms and Explosives' "Final Rule" which considers frames and receivers to be firearms.

The case dates back to April 2022 when the ATF published its "Final Rule" changing the regulatory definition of the term "firearm," to encompass objects which are not firearms, along with firearms parts kits, in direct contradiction of Congress' definition of those terms found in the Gun Control Act of 1968.

In December 2022, the Second Amendment Foundation and Defense Distributed filed an intervenor's com-



plaint in an existing lawsuit being litigated in the Northern District of Texas.

"We are delighted that the Court has agreed to hear our challenge to ATF's frames and receivers Final Rule," said

SAF Executive Director Adam Kraut. "ATF has continuously exceeded its constitutional authority and violated the separation of powers by creating law – a job reserved exclusively for Congress. It is time for the Supreme Court to remind ATF that it may not do so and affirm the judgment of the Fifth Circuit."

"This case typifies the Biden administration's war on the Second Amendment," added SAF founder and Executive Vice President Alan M. Gottlieb. "Clearly under Joe Biden, the ATF has unilaterally set itself up as the sole authority on firearms regulation, bypassing Congress and arbitrarily changing long-standing regulations to suit the administration's anti-gun agenda."

SAF FILES AMICUS BRIEF WITH SCOTUS IN S&W LEGAL FIGHT

SAF has filed an amicus brief with SCOTUS in support of Smith & Wesson in its legal fight against the government of Mexico, which seeks to hold the American gun manufacturer liable for criminal acts of third parties in Mexico.

The 23-page brief was submitted by attorneys Thomas R. McCarthy and Tiffany H. Bates. It outlines the history of firearms litigation and explains why Congress adopted the Protection of Lawful Commerce in Arms Act (PLCAA) during the George W. Bush administration.

"As our brief explains," said SAF Executive Director Adam Kraut, "allowing Mexico to prevail in suing firearm manu-

facturers for the criminal acts of third parties defies logic and would embolden a new round of lawfare against industry members. Ultimately, these lawsuits would drive many manufacturers out of business and potentially impose requirements on firearm designs that have been rejected by Americans. In the end, it is the American citizens who would suffer, as their choices for arms would be limited to the few surviving manufacturers. The Second Amendment is meaningless without the ability to acquire arms."

SAF notes in its brief the Mexican government's demand for literally billions of dollars in damages is exactly the

kind of thing the PLCAA was designed to block.

"Almost 20 years ago," SAF founder and Executive Vice President Alan M. Gottlieb recalled, "Congress passed the Protection of Lawful Commerce in Arms Act to prevent such litigation, which is essentially designed to bankrupt the firearms industry, thus endangering the ability of American citizens to exercise their rights under the Second Amendment. Allowing foreign governments to hold American firearms manufacturers responsible for criminal activity in other countries is both unjustifiable and posterous."

EXECUTIVE DIRECTOR'S MESSAGE

This summer has yielded several developments in the Second Amendment world and administrative agency state. At the end of its term, the Supreme Court issued decisions in *Cargill*, *Rahimi*, and *Looper Bright Enterprises* (“Looper”).

Notably, executive powers have been curtailed by *Cargill* and *Looper*. SCOTUS confirmed what many of us knew to be true - the ATF exceeded its authority by redefining the term “machinegun” to include bumpstocks, wildly expanding the definition and its interpretation of a “single function of the trigger.” *Looper* dispensed with the decades old Chevron deference doctrine, which will no longer give administrative agencies (like the ATF) deference to their interpretation if the statutory text is seemingly ambiguous. Put simply, the Executive Branch’s ability to will law into existence has been cut back - as it should have been since it is Congress who is tasked with making law.

Many of us were concerned about the implications of *Rahimi* and how that may affect Second Amendment jurisprudence. While the result was unsurprising (holding that 922(g)(8) was constitutional) the ruling was relatively narrow. Justice Thomas’ dissent yields several good points as to why the majority got it wrong, but *Bruen* remains intact and relatively undisturbed by the Court’s most recent foray into 2A cases.

SAF currently has its second case before the Supreme Court - a challenge to ATF’s frame/receiver final rule - with oral argument being scheduled for Octo-

ber 2024. Briefing is currently underway.

In new lawsuits, three actions have been filed in various courts around the country. SAF has recently challenged the Postal Service’s ban on carrying firearms on USPS property in the Northern District of Texas, sued California over its 11% excise tax on firearms and ammunition, and brought another lawsuit against Pennsylvania’s ban on carry for 18-20-year-olds. We are currently working on several other cases to file in the near future (perhaps even by the time this hits your mailbox) and amicus briefs to support other cases and advance the Second Amendment.

As SAF’s 50th anniversary celebration continues, we have begun to release a number of short videos, entitled “Reflections: Five Decades of SAF’s 2A Advocacy,” commemorating the organization’s historical journey with interviews of some of the top Second Amendment scholars, lawyers and attorneys, along with SAF staffers. They are available for viewing on our YouTube channel or saf.org/50thshorts.

There are also several new corporate partnerships that have been formed since our last issue. While SAF is fueled by supporters like yourself, these corporate partners have taken a keen interest in ensuring that their customers’ right to keep and bear arms is steadfastly restored, secured, and advanced by our mission and work. Of note, Lipsey’s has partnered with SIG to release exclusive P365 pistols of which part of the proceeds



ADAM KRAUT
EXECUTIVE DIRECTOR

from the sales will be donated to SAF in furtherance of our mission. Optics manufacturer EOTECH has started their “2A Initiative,” which features various merchandise and two models of specially marked holographic sights of which they will donate a portion of the proceeds.

Smith & Wesson has donated a commemorative 1854 Limited rifle paired with a matching Model 29 revolver to be auctioned off with proceeds benefiting SAF. American Legacy Firearms has commissioned a limited run of Henry lever-action rifles and SIG P365s engraved to celebrate SAF’s 50 years of work with the proceeds being donated to the organization. Vortex and Volquartsen have also joined in support of SAF.

Recently, I also appeared on both Vortex’s and Volquartsen’s podcasts to discuss SAF, the Second Amendment and the courts. These should be available on their respective channels.

As always, we’ll continue to fight for you.



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Alan Gottlieb
Matt Coffey

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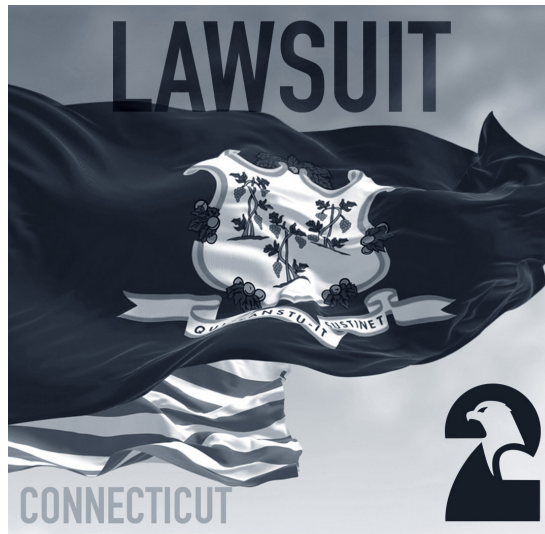
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SAF SUBMITS REPLY BRIEF IN APPEAL OF CONNECTICUT GUN BAN

SAF has submitted a reply brief to the U.S. Court of Appeals for the Second Circuit in its effort to obtain a preliminary injunction against the Connecticut ban on so-called “assault weapons” in a case filed in September 2022. The case is known as *Grant v. Lamont*.

SAF is joined by the Connecticut Citizens Defense League and three private citizens, Michael Stiefel, Jennifer Hamilton and Eddie Grant, Jr., for whom the case is named. They are represented by attorneys Doug Dubitsky of North Windham, Craig L. Atkinson and Craig Fishbein of Wallingford.

“We’re asking the Court of Appeals to reverse a district court ruling which denied our preliminary injunction request and remand the case back to the district court for action in compliance



with the Supreme Court’s guidelines in the 2022 Bruen ruling,” explained SAF Executive Director Adam Kraut. “The state wants this case decided on raw emotion rather than the rule of law as defined by the Supreme Court, which

did away with ‘interest balancing’ as a foundation for ruling on Second Amendment-related cases.”

“The 2022 Bruen decision expressly forbids courts from considering sensationalized portrayals of firearms when considering whether the Second Amendment protects their possession,” noted SAF founder and Executive Vice President Alan M. Gottlieb. “The state has erroneously described modern semiautomatic rifles as ‘weapons of war,’ which is simply not true.

“We are not asking the court to recognize a new constitutional right,” Gottlieb added. “All we are asking is that the court faithfully apply existing precedent and recognize a right Connecticut citizens have always possessed under the constitution. After all, Connecticut is the ‘Constitution State.’”

SAF FILES APPELLEE’S BRIEF IN LONG RUNNING CA ONE-GUN CHALLENGE

The Second Amendment Foundation and its partners in a long-running legal challenge of California’s one-gun-per-month (OMG) law have filed an appellee’s brief with the 9th U.S. Circuit Court of Appeals in response to the state’s effort to keep the law in place.

SAF won a summary judgement at the district court level, but California appealed. The case was originally filed in December 2020.

SAF is joined by the Firearms Policy Coalition, Inc., San Diego County Gun Owners PAC, North County Shooting Center, Inc., PWGG, L.P., a limited partnership, and six private citizens including Michelle Nguyen, for whom the case *Nguyen v. Bonta* is named. They are represented by attorney Raymond M. DiGuseppe of Southport, NC.



“It should be clear to the court that the text of the Second Amendment covers the conduct prohibited by California’s OMG statute,” said SAF Executive Director Adam Kraut. “The state argues

that it’s restriction should be considered ‘presumptively lawful’ when it is plainly an unlawful ban on the otherwise lawful purchasing activity of honest citizens who simply wish to exercise their constitutionally protected rights for lawful purposes.”

“When examined in the proper historical context,” SAF founder and Executive Vice President Alan M. Gottlieb observed, “it is obvious California’s OMG law is blatantly unconstitutional. There is no historical evidence of any such restriction anywhere in the country at the time the nation was created, and the Constitution was ratified. The Founders would never have considered such a prohibition. Indeed, they would have rejected it immediately as utter nonsense.

MAGPUL JOINS SAF AS PLATINUM CORPORATE PARTNER

SAF is pleased to announce that Magpul has joined the organization as a corporate partner at the Platinum level.

“Magpul is excited to support the efforts of the Second Amendment Foundation in defending our Second Amendment rights throughout our personal and professional lives,” said Magpul Executive Vice President Duane Liptak. “Their work is vital to the continued existence of a lifestyle that includes the absolute right to own and bear arms.”

Magpul was founded in 1999 with the concept of developing an easy-to-use product to solve the handling and speed problems associated with handling rifle magazines under stress. The company name comes from this original product, the Magpul. This simple innovation –



MAGPUL

and the mindset of problem-solving through better design, materials, and user experience – led to others that redefined the experience customers had with their firearms. Their product lines now include hundreds of firearms accessories, along with other experience-enhancing gear, and all have been designed to professional-use standards. Magpul now makes more than 400 unique products with hundreds of variants, including

magazines, stocks, slings, sights, grips, bipods, rifle cases and other organization and storage solutions, eyewear, and a lot more dependable, hard-use gear.

“Magpul has been a staunch SAF corporate partner, and we greatly appreciate their decision to increase their commitment to help us continue to defend, secure and restore our Second Amendment freedoms,” said SAF Executive Director Adam Kraut. “With five active challenges to magazine capacity restrictions, Magpul recognizes the importance of supporting our legal efforts to ensure that its customers, and all Americans, are able to exercise their right to keep and bear arms, regardless of where they are located. We are grateful for their support.”

SAF NAMED BENEFICIARY OF LIPSEY’S-SIG SAUER COLLABORATION

SAF is pleased to announce that Lipsey’s, a nationally renowned firearms distributor, has partnered with SIG SAUER, a SAF Diamond corporate partner, to offer a new, exclusive lineup of SIG P365 pistols with partial proceeds benefiting the Second Amendment Foundation.

As part of the collaboration, Lipsey’s will exclusively distribute three different SIG P365 models: The P365, P365XL, and, for the first time, the P365-XMACRO COMP. All three models come in Coyote Tan with 2A prefix serial numbers, an extra magazine, and a double-sided SIG/2A commemorative coin.

“We’re really excited to launch this project and partner with SIG to raise funds for worthwhile organizations that touch on different aspects of protecting



and advancing Second Amendment causes,” said Brett Frey, Lipsey’s Vice President of Sales & Purchasing. “The fantastic work that does makes them a perfect fit to be our inaugural recipient.”

The new program has been designed to support valued Second Amendment

organizations which will change annually. SAF is the flagship partner for 2024 with Lipsey’s and SIG SAUER transitioning donations to a new partner next year.

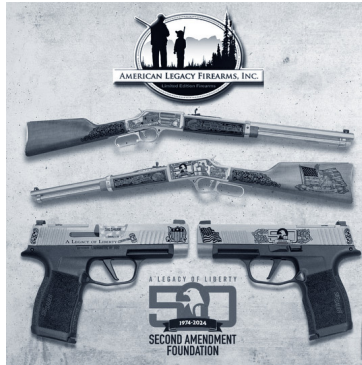
“We are honored to be the inaugural beneficiary of this great collaboration,” said SAF Executive Director Adam Kraut. “The money raised through this initiative will certainly help us continue to fight those who wish to trample our constitutional rights. We are grateful to Lipsey’s and SIG SAUER for their continued commitment to SAF and their dedication to supporting our right to keep and bear arms.”

All three SIG SAUER P365 Lipsey’s Exclusive models will be distributed immediately. You can find more information at www.lipseys.com/crm/2AP365.

AMERICAN LEGACY FIREARMS OFFERS EXCLUSIVE SAF EDITIONS

American Legacy Firearms recently announced the launch of a special-edition rifle and pistol to celebrate SAF's 50th anniversary. For each rifle and pistol sold, a portion of the proceeds will be donated to SAF to further the mission to defend, secure and restore our right to keep and bear arms.

In a statement released with the special-edition announcement, American Legacy Firearms said, "We at American Legacy Firearms are proud to support the Second Amendment Foundation's mission to remain vigilant, to boldly fight and defend our rights both in and out of the courtroom. All of us who cherish our liberties recognize this duty to safeguard our Constitution, for the preservation of the Second Amendment remains at the



heart of our nation's heritage."

The two firearms, a Henry Big Boy Rifle and a SIG SAUER P365, contain elaborate artwork and SAF's 50th anniversary logo. The rifle also features a 24-karat gold and selective nickel finish, with ornately engraved artwork on the receiver and walnut stock. Only 50

numbered Big Boy rifles will be made.

The SIG P365 features a 24-karat gold-plated finish with engraved artwork on the slide and will be limited to 50 numbered pistols per state.

"It's thanks to generous partners and supporters like American Legacy Firearms that SAF is able to continue our mission," said SAF Senior Vice President and VP of Development Lauren Hill. "These special-edition rifles and pistols will be a great addition to anyone's collection and symbolize our shared commitment to continue fighting for the Second Amendment freedoms we all hold dear."

For more information about the firearms or to order, visit www.americanlegacyfirearms.com.

EOTECH TO DONATE PORTION OF PROCEEDS FROM NEW 2A INITIATIVE

The Second Amendment Foundation (SAF) is pleased to announce that EOTECH has identified SAF as a beneficiary of their new "2A Initiative." With every purchase made through the program, EOTECH will donate a portion of proceeds to SAF.

EOTECH will launch the initiative with a special edition EOTECH EXPS3 and XPS2 Holographic Weapon Sight (HWS) featuring the "2A" logo on the hood. Proudly made in the USA, these models feature the quick acquisition 68MOA ring and 1MOA dot. The sight requires little rail space and provides the reliability and dependability both professionals and civilians demand.

"We are very passionate about our



EOTECH®

support and dedication to protect the Second Amendment," said EOTECH Director of Marketing Lisa Kemp. "Investing in the organizations that defend this right and provide education and resources to protect its position is criti-

cal. We are proud to support this cause and preserve these rights for future generations."

In addition to the sight, you can also show your 2A support by purchasing unique swag items like shirts, hats, patches, stickers and glassware.

"We are honored to be recognized by EOTECH and included in their new 2A Initiative," said SAF Senior Vice President and VP of Development Lauren Hill.

"With more than 55 active cases across the nation, it's the support of companies like EOTECH that help SAF continue our efforts to defend, secure and restore the Second Amendment rights of millions of Americans."

For more information, or to order your gear, visit www.eotechinc.com.

SAF SUES CALIFORNIA OVER EXCISE TAX ON GUNS, AMMUNITION

SAF has filed a lawsuit seeking to overturn California's recently-adopted 11 percent excise tax on the sale of firearms, gun parts and ammunition.

The case was filed in San Diego County Superior Court. Joining SAF are the CRPA, NRA, Firearms Policy Coalition and two private citizens, Joshua Gerken and Danielle Jaymes, for whom the case, *James v. Maduros*, is named. The defendant is Nicolas Maduros, director of the California Department of Tax and Fee Administration, in his official capacity.

Plaintiffs are represented by attorneys C.D. Michel, Konstadinos T. Moros, Tiffany Chevront and Joshua Robert Dale at Michel & Associates, and by David H. Thompson and Peter A. Patterson at Cooper & Kirk.

"We are challenging the constitu-



tionality of the tax, as adopted by Assembly Bill 28," explained SAF founder and Executive Vice President Alan M. Gottlieb. "We contend in the lawsuit that this 11 percent tax is unconstitutional because it literally taxes conduct protected by the Second Amendment. There is no analogous evidence such a tax was ever applied at the time of the

Founding era, as required by the 2022 Supreme Court Bruen ruling."

"The power to tax is literally the power to destroy," added SAF Executive Director Adam Kraut. "Assembly Bill 28 gives the State of California the power to destroy the exercise of a right protected by the Constitution by singling it out for special taxation. If allowed to stand, this tax could be expanded, and California could ultimately impose similar excise taxes on other constitutional rights it dislikes. This will not stop with a tax on the right to keep and bear arms."

The lawsuit asks the court to declare the excise tax on firearms and ammunition violates the Second Amendment, and to permanently enjoin the state from enforcing the provisions of AB 28, including collection of the tax.

SAF SUES PENNSYLVANIA OVER CCW PROHIBITION FOR YOUNG ADULTS

SAF has filed a federal lawsuit challenging Pennsylvania's prohibition against allowing young adults aged 18 to 20 from acquiring a license to carry a firearm (LTCF) for personal protection. The case is known as *Brown v. Paris*.

The lawsuit was filed in U.S. District Court for the Middle District of Pennsylvania. SAF is joined by three young adults, all who are SAF members. They are Taylor Brown, Shawn Palmer and Max Ness. They are represented by attorneys Joshua Prince at the Civil Rights Defense Firm and Adam Kraut at the Second Amendment Foundation. Named as the sole defendant in the case is Col. Christopher Paris, commissioner of the Pennsylvania State Police, in his official capacity.

"Our individual plaintiffs have no criminal backgrounds and would like



to procure a LTCF," said Kraut, who also serves as SAF's executive director. "However, the state law precludes them from carrying firearms, whether openly or concealed, in public for self-defense. Yet, a look back at history reveals young adults between 18 and 20 were fully protected by the Second Amendment at the time of

its ratification. Indeed, at the time of the founding, young adults in this age group were actually required to keep and bear arms."

SAF founder and Executive Vice President Alan M. Gottlieb noted, "As we explain in our lawsuit, SAF has members and supporters all over the Commonwealth of Pennsylvania, and we are bringing this action on their behalf.

"Our young adult members would lawfully carry and legally transport firearms for personal protection and the protection of their loved ones, and others, but for the defendant's enforcement of the laws we are challenging."

The lawsuit asks for a declaratory judgment, a temporary restraining order and preliminary injunction, followed by a permanent injunction.

SAF FILES LAWSUIT CHALLENGING POST OFFICE GUN BAN

SAF has filed a federal lawsuit in Texas challenging the ban on firearms carry in U.S. Post Offices and on postal property as violations of the Second Amendment, and is seeking declaratory and injunctive relief.

Joining SAF is the Firearms Policy Coalition and two private citizens, Gavin Pate and George Mandry, both Texas residents. Named as the sole defendant is Attorney General Merrick Garland, in his official capacity. The complaint was filed in U.S. District Court for the Northern District of Texas, Fort Worth Division.

Plaintiffs are represented by attorneys R. Brent Cooper and S. Hunter Walton at Cooper & Scully, P.C. in



Dallas, and David H. Thompson and Peter A. Patterson at Cooper & Kirk in Washington, D.C.

“Under the Bruen ruling of June 2022,” noted SAF founder and Executive Vice President Alan M. Gottlieb,

“if the government seeks to restrict firearms in a particular location as a ‘sensitive place,’ it must prove that its current restriction is sufficiently analogous to a well-established and representative historical analogue.”

“Current federal law bars the ‘knowing possession’ of firearms in federal facilities, which includes post offices,” said SAF Executive Director Adam Kraut. “Millions of legally armed private citizens, whose daily routines may include visits to post offices to pick up or drop off mail, are directly impacted by this infringement. There is no well-established, representative historical analogue to justify this regulation, which violates the Second Amendment.”

5TH CIRCUIT COURT TO HEAR SAF ORAL ARGUMENT IN ARM BRACE CASE

The 5th U.S. Circuit Court of Appeals has announced it will hear oral arguments in SAF’s challenge of the “Final Rule” issued by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) regarding arm braces for pistols, during the week of Aug. 5.

The case is known as *SAF v. ATF* and was filed in February 2023. SAF is joined by Rainier Arms, LLC and two private citizens, Samuel Wallely and William Green. They are represented by attorney Chad Flores at Flores Law. Last August, SAF won, in part, a preliminary injunction in the case when a court panel decided 2-1 the rule was “likely



illegal” because the government had violated the Administrative Procedures Act (APA) by adopting the rule without meaningful opportunity for public comment.

“We are delighted about the court’s decision,” said SAF founder and Executive Vice President Alan M. Gottlieb. “We will be fully prepared to argue our case before the appeals court, and hopefully see a quick resolution of this case.”

SAF Executive Director Adam Kraut noted the SAF case is part of a consolidation of four separate cases for briefing purposes, but still stands apart on separate issues.

“The ATF’s ‘Final Rule’ is a complete reversal of previous policy, and it was adopted in violation of APA guidelines.” Kraut said. “We certainly expect to prevail.”

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