



REPORTER

SAF CELEBRATES 50TH ANNIVERSARY

Monday, Aug. 26, marked 50 years of the Second Amendment Foundation's (SAF) unwavering commitment to defend, secure and restore the Second Amendment rights vital to the defense of liberty.

From a landmark victory at the United States Supreme Court to triumphs in state courthouses, SAF has scored numerous successes in the past half century, including the all-too-important *McDonald v. City of Chicago* decision handed down by the Supreme Court in 2010. SAF's win in *McDonald* has been critical to the fight against modern gun control, as it paved the way for legal action against states and municipalities for violations of the Second Amendment.

"The goal when I created SAF was to get a case all the way to the Supreme Court," said SAF founder and Executive

Vice President Alan M. Gottlieb. "We did that in 2010, and that momentum hasn't stopped. SAF has been part of more than 260 lawsuits since our founding and we currently have more than 55 active cases across the nation. This includes one case – *Garland v. VanDerStok* – that was argued before the U.S. Supreme Court in October."

Although SAF has won numerous critical pro-Second Amendment cases since 1974, the organization has shown no signs of slowing down. In fact, in 2022 SAF brought on board a new Executive Director – practicing attorney Adam Kraut – to lead the organization into the next half-century.

"When Alan started SAF 50 years ago, he laid out a comprehensive vision to fight for our right to keep and bear arms," Kraut said. "Over time, he and those who

joined him built a solid organizational foundation that was effective in winning where it matters. I think we continued to build on that foundation and have a tremendous team to lead the organization into the next 50 years. I'm looking forward to the challenge of continuing to build on the work Alan started."

Over the past 50 years, SAF has been at the forefront of numerous legal battles, challenging unconstitutional firearms regulations such as "assault weapon" bans, magazine capacity bans, young adult carry laws, "sensitive places" restrictions, red flag laws, prohibited person and many, many more. Through aggressive, strategic litigation, SAF has successfully challenged restrictive gun laws across the nation, dismantling barriers that impede the right to keep and bear arms for all Americans.

SAF SCORES VICTORY IN CALIFORNIA NON-RESIDENT CARRY CASE

SAF and its partners, in a challenge of California's ban on non-resident concealed carry, won a victory when a federal judge granted a preliminary injunction in the case.

U.S. District Court Judge Sherilyn Peace Garnett, a 2022 Joe Biden appointee, granted in part and denied in part the plaintiffs' motion for preliminary injunction. The state has 21 days to file a response, and within 30 days plaintiffs must "meet and confer" with the state and Los Angeles County Sheriff's Department "to submit a proposed order entering the preliminary injunction

consistent with the specific findings" made by the court order.

SAF is joined by the California Rifle & Pistol Association, Gun Owners of America, Gun Owners Foundation, Gun Owners of California and seven private citizens. The LA County Sheriff's Office is the main defendant, along with Attorney General Rob Bonta and the La Verne Police Department.

In her decision, Judge Garnett observed, "the State bears the burden of showing whether California's residency requirements for a CCW license is 'consistent with the Nation's historical tradi-

tion of firearm regulation." A few pages later, she notes, "the State has not carried its burden at this stage to show that the limitation of CCW licenses to California residents is part of a historical tradition of this Nation." "

Americans do not leave their Second Amendment right to bear arms at the California border," said SAF founder and Executive Vice President Alan M. Gottlieb. "California is behind the curve in recognizing that the Second Amendment was incorporated to the states via the 14th Amendment since SAF's Supreme Court victory in the 2010 *McDonald* ruling."

EXECUTIVE DIRECTOR'S MESSAGE

This year is quickly drawing to a close and what an exciting year it has been at SAF! Our 50th Anniversary celebration has gained a lot of fanfare, allowing the story of SAF to be told to countless individuals unfamiliar with the organization's rich history.

This year's GRPC was a great success, thanks in no small part to our staff's tireless efforts in preparation. We are grateful to all the speakers for their time, expertise, and desire to help educate their fellow gun rights advocates. While this year's conference featured fewer speakers (an intentional move), attendees were thrilled that the presenters were able to dive into the material they were discussing in greater detail as they had more time to do so.

Additionally, the new fireside chat formats were well received. If you were unable to attend this year's conference, be sure to check out the presentations on our YouTube channel (youtube.com/secondamendmentfoundation).

More recently, I had the opportunity to attend oral argument for *Garland v. Vanderstok* at the United States Supreme Court. SAF had filed a motion to intervene in this case back when it was at the District Court to ensure that our members' interests were represented when it came to challenging ATF's Final Rule, which reclassified unfinished frames and receivers, along with parts kits, as "firearms" subject to the controls of the Gun Control Act.

During argument, the Solicitor

General pushed the Court to accept the premise that ATF always had the authority to regulate these items and that Congress' definition of "firearm" capture these non-firearm objects.

Pete Patterson, the attorney arguing for the other Respondents and SAF, pointed out that Congress specifically enumerated "frames and receivers" as items captured by the "firearm" definition but not objects which had not yet reached a stage of completion to be identified as such.

Most of the justices asked questions of both sides during their time at the podium. We expect a decision sometime next year - likely Q2.

As of the time my pen has hit the paper to write this column, SAF has racked up 11 more wins for the Second Amendment community this year. We had also filed seven amicus ("friend of the court") briefs in other cases.

Additionally, we have two pending (at the time of writing) cert petitions before the Supreme Court. The first is from our challenge to Maryland's AWB - one of the eight active challenges to such bans.

The second is from our challenge to Delaware's AWB and mag ban, however it is seeking cert on the question of "Whether the infringement of Second Amendment rights constitutes per se irreparable injury" - one of the four factors required for a preliminary injunction. The Third Circuit said it did not and is in conflict with two other circuits, the



ADAM KRAUT
EXECUTIVE DIRECTOR

7th and 9th, which have said it does. Both are important cases addressing pertinent issues for this area of law and desperately require the Court's attention.

This latest quarter also brought two new team members to our staff. Dana Wilson has been hired to steward our major gifts program and Tanner Lineberry has been brought on board as our Digital Media Manager to continue growing our digital community on social media and other platforms.

As we set our sights on 2025 and beyond, I am excited to report that the Second Amendment Foundation is as strong as ever and working on a number of exciting projects to further our Second Amendment rights across the country. Make no mistake, the outcome of this most recent presidential election will have everlasting consequences, regardless of the victor, but SAF remains poised, ready, and best positioned to ensure that the right to keep and bear arms is vigorously secured, defended, and restored.



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SAF PETITIONS SUPREME COURT FOR CERTIORARI IN MARYLAND RIFLE BAN

SAF has filed a petition for certiorari to the U.S. Supreme Court in its continuing challenge of a ban on modern semiautomatic rifles in the state of Maryland, arguing that high court review is necessary to ensure the Second Amendment is “not truncated into a limited right.”

SAF is joined by the CCRKBA and the FPC, and a private citizen, David Snope. They are represented by attorneys David H. Thompson, Peter A. Patterson, Nicole J. Moss and John D. Ohlendorf at Cooper & Kirk in Washington, D.C.; Raymond M. DiGuiseppe at DiGuiseppe Law Firm in Southport, N.C. The case is known as *Bianchi v. Frosh*.

The petition was filed after the Fourth U.S. Circuit Court of Appeals ruled that modern semiautomatic rifles — commonly misidentified as “assault weapons” — are not protected by the Sec-



ond Amendment because they are “too similar” to a fully-automatic military rifle known as the M16. SAF and its partners contend this reasoning “is becoming a commonplace misapplication” of Supreme Court precedents established by the 2008 *Heller* ruling, 2010 *McDonald*

decision and 2022 *Bruen* ruling.

“The Fourth Circuit, as well as other federal courts, are attempting to flip the Supreme Court’s *Heller* ruling on its head,” said SAF founder and Executive Vice President Alan M. Gottlieb. “They are essentially arguing the arms protected by the Second Amendment are limited only to certain state-approved firearms, which would make it no right at all, but a government-regulated privilege. This is the third time we have petitioned the high court in this case.”

“Certiorari is required in this case,” said SAF Executive Director Adam Kraut, “to correct an increasingly widespread misunderstanding of the Supreme Court precedent, and the Second Amendment, itself. The specific type of firearm in question is commonly owned across the country, placing it well within the scope of the Second Amendment.”

JUDGE RULES LICENSED CARRY BAN ON PUBLIC TRANSIT UNCONSTITUTIONAL

A federal district court judge in Illinois has ruled that state’s ban on licensed concealed carry aboard public transit violates the Second Amendment in a case supported by the Second Amendment Foundation (SAF). The case is known as *Schoenthal v. Raoul*.

In a 50-page decision, U.S. District Judge Iain D. Johnston, a Donald Trump appointee in the Northern District of Illinois, Western Division, granted declaratory relief to the four plaintiffs—Benjamin Schoenthal, Mark Wroblewski, Joseph Vesel and Douglas Winston — who brought their lawsuit in an effort to carry concealed firearms on Metra and on Metra’s real property.

In addition, Vesel and Winston also secured relief for riding on CTA (Chicago Transit Authority) and being

on CTA property.

SAF was joined by the Firearms Policy Coalition in financially supporting the plaintiffs. Plaintiffs are represented by attorney David Sigale of Wheaton, Ill.

Defendants are Illinois Attorney General Kwame Raoul and State’s Attorneys Rick Amato (DeKalb County), Robert Berlin (DuPage County), Kimberly M. Foxx (Cook County) and Eric Rinehart (Lake County), all in their official capacities.

In his ruling, the judge dismissed claims against Amato and Rinehart. The ruling applies to Raoul, Foxx and Berlin as it applies to Schoenthal.

The ruling applies to Raoul and Foxx as it applies to Wroblewski, Vesel and Winston.

“This is a significant victory for le-

gally armed Illinois residents who rely on public transit,” said SAF founder and Executive Vice President Alan M. Gottlieb. “It is important that the court recognized Cook County Attorney Foxx’s argument that the ban was legal because Illinois is acting as a property owner was ‘breath-taking, jaw dropping and eye-popping,’ and that wasn’t a compliment. It demonstrates how far government will reach in an attempt to justify its effort to restrict Second Amendment rights.”

“This is one more step in SAF’s mission to win firearms freedom, one lawsuit at a time,” added SAF Executive Director Adam Kraut.

“Illinois was attempting to perpetuate an indefensible policy of public disarmament, and Judge Johnston’s ruling brings that to a halt,” Kraut said.

SAF NAMES DANA WILSON MAJOR GIFTS OFFICER

SAF has hired veteran financial advisor and development professional Dana Wilson as the new Major Gifts Officer.

“With the growth SAF has experienced over the last few years it became evident we needed someone to focus solely on our Major Gifts program,” said SAF Executive Director Adam Kraut. “Dana’s unique blend of experience in the financial and nonprofit industries, along with her steadfast passion for firearms and the Second Amendment made her an ideal candidate to lead SAF’s major gift efforts. We’re excited to have Dana on board and look forward to expanding this crucial program.”

Over the last two decades Wilson has honed her skills specializing in strategic communications, donor engagement



and fundraising within various nonprofit sectors with a focus on sport and athletes. Dana holds a bachelor’s degree from the University of Wisconsin and is a triple-

certified nonprofit executive, holding CNC, CDE, and CNE designations.

Wilson has proven expertise in forming vital alliances and spearheading resource mobilization that will significantly fortify the commitment to upholding and advancing the mission of the Second Amendment Foundation.

“Stepping into the role of Major Gifts Officer with the Second Amendment Foundation is an immense honor,” Wilson said. “It’s a unique opportunity to be part of a community that values the critical importance of the Second Amendment in protecting and preserving our freedoms for generations to come.”

To learn more about SAF’s Major Gifts program email Give@saf.org.

RANGER POINT PRECISION RENEWS SAF PARTNERSHIP AT SILVER LEVEL

Ranger Point Precision (RPP) has graciously renewed their SAF corporate partnership at the Silver level.

“The importance of the Second Amendment could not be more vividly highlighted than it is now,” said Adam Devine, Co-founder and CEO, Ranger Point Precision. “We have been witnessing the predictable turn to tyranny of America’s ruling class. Soon, we will try to arrest the decay of our civil rights through use of our votes. But we know with certainty why our founders insisted on the right to bear arms. We are proud to remain a supporter of the critical work being done by the Second Amendment Foundation and honored to be a Silver Sponsor in support of their outstanding work.”



**RANGER POINT
PRECISION**

Ranger Point Precision was founded in 2013 with the goal of providing the widest range of performance parts for lever-action rifles and all built in the USA. Located in Cypress, Texas, the team designs and manufactures traditional parts such as peep sights, loop levers and triggers as well as tactical parts such as brakes, M-LOK handguards, adjustable butt stocks and more. Ranger Point cur-

rently sells lever-action parts for Marlin Firearms, Smith & Wesson, Henry Repeating Arms, Rossi USA, Heritage Mfg, Citadel Levtac, GForce Arms, HugTek Arms, and Winchester rifles.

“Since coming on board last year, Ranger Point Precision has been a great corporate partner, staunchly committed to SAF’s efforts to defend, secure and restore our Second Amendment rights,” said SAF Executive Director Adam Kraut. “With more than 55 active cases – including one that will be heard by the U.S. Supreme Court next week – the unwavering support of our donors, members and corporate partners like Ranger Point Precision has never been more important.”

SAF ANNOUNCES GOLDEN BOWTIE AWARD, HONORS INAUGURAL WINNER

SAF has created a new accolade – The Golden Bowtie Award – and honored its first recipient at this year’s Gun Rights Policy Conference (GRPC). Recipients of the Golden Bowtie are people and/or organizations who have made significant contributions of time, talent and treasure to SAF and its mission.

“SAF founder Alan Gottlieb is a lover of the bowtie,” said SAF Executive Director Adam Kraut. “If you look back at any photos of Alan throughout the years, he is always wearing his signature neck piece. We wanted to create an award that embodied Alan’s spirit and character while recognizing other’s contributions to SAF’s success. The Golden Bowtie does just that.”

Tom Taylor, Executive Vice Presi-

dent, Global Brand Development at SIG SAUER and member of SAF’s Board of Trustees, was presented the award at the annual GRPC in San Diego.

“I am thrilled to be the inaugural recipient of this prestigious award,” Taylor said. “SAF is truly working on the front lines fighting for our Second Amendment rights, and it’s a privilege to be honored as the first Golden Bowtie award winner. I will proudly wear the bowtie as a reminder that our civil liberties are always under attack and as a symbol of how SAF fights every day to ensure our Second Amendment rights are defended, secured and restored.”

Under his leadership, SIG SAUER jumped on board as SAF’s first major corporate partner. In addition to sig-

nificant financial contributions, Taylor’s team has contributed to SAF in a number of other ways including helping with the organization’s 2023 rebrand and providing advice on various means to enhance the SAF brand.

“I am thrilled the SAF team recognized the great contributions of Tom and SIG SAUER,” said SAF founder and Executive Vice President Alan M. Gottlieb. “The award was as surprising to me as it was to Tom, and I’m honored that such an award was created with me in mind. For the past 50 years the fight has not been about me, but about the movement, and I am thrilled we can now recognize people like Tom who go above and beyond to support SAF and its mission.”

COURT DENIES REHEARING IN MN YOUNG ADULT CARRY BAN CASE

The Eighth U.S. Circuit Court of Appeals has denied a petition for a rehearing in a SAF case which found Minnesota’s ban on carry permits for young adults ages 18-20 is unconstitutional.

The case is known as *Worth v. Harrington*, and it was filed in June 2021. Joining SAF in this case are the Minnesota Gun Owners Caucus, FPC and three private citizens, Austin Dye, Axel Anderson and Kristin Worth, for whom the case is known. They are represented by attorneys Blair W. Nelson and David H. Thompson, Peter A. Patterson and William V. Bergstrom at Cooper & Kirk in Washington, D.C.

In its order, the Eighth Circuit also denied a request for an en banc panel hearing. U.S. District Court Judge Katherine Menendez ruled in



March 2023 that Minnesota’s permitting age restriction is unconstitutional. The case was appealed to the Eighth Circuit, which upheld Judge Menendez decision.

“Clearly, Judge Menendez made the right call in the first place,” said SAF Executive Director Adam Kraut.

“As we contended all along, the right of the people mentioned in the Second Amendment was not limited to those over a certain age. Certainly young adults fall within the definition of ‘the people’ ever since they’ve been allowed to vote, and generations before that when they were considered part of the militia, and have been accepted into the military.”

“We expected to prevail at trial and again at the appeals court level,” said SAF founder and Executive Vice President Alan M. Gottlieb. “We are gratified by the Eight Circuit’s decision, and now we will see whether Minnesota submits a petition for certiorari to the Supreme Court. For the time being, we have notched another victory in our ongoing effort to win firearms freedom one lawsuit at a time.”

BRIEF SUPPORTS SUMMARY JUDGMENT MOTION IN CURTIN CASE

The Second Amendment Foundation has filed a memorandum of points and authorities in support of their motion for summary judgment in a federal court challenge of California's 10-day waiting period. The case is known as *Curtin v. Bonta*.

The memorandum was filed in U.S. District Court for the Southern District of California. SAF is joined by the North County Shooting Center, San Diego County Gun Owners PAC, California Gun Rights Foundation, Firearms Policy Coalition, PWGG, L.P., and five private citizens. They are represented by attorneys Bradley A. Benbrook and Stephen M. Duvernay at the Benbrook Law Group in Sacramento.

"This fundamental issue in this case is crystal clear," said SAF founder and Execu-



tive Vice President Alan M. Gottlieb. "California denies access to the fundamental right to keep and bear arms by the imposition of its waiting period law, which requires law-abiding individuals

to wait at least ten days before they can take possession of a firearm, even when the state can confirm, often within minutes, they are eligible to acquire firearms. This makes no sense at all, especially in cases where the gun buyer already owns other firearms."

"At the time of the founding, when the Second Amendment was included in the Bill of Rights," noted SAF Executive Director Adam Kraut, "there was no such thing as a waiting period, anywhere in the country. The first time a waiting period was enacted in any jurisdiction was not until 1923, long after the relevant time period considered by the Supreme Court in the 2022 Bruen ruling, which struck down a law passed in New York, in 1911," carrying and transporting firearms, with limited exceptions."

SAF WINS PARTIAL JUDGMENT IN MARYLAND CARRY LAW CHALLENGE

A federal court in Maryland has handed a victory to SAF and its partners in a challenge of the state law restricting carry in certain locations, declaring three provisions in the statute to be unconstitutional. The case is known as *Novotny v. Moore*.

Chief U.S. District Judge George L. Russell III for the District of Maryland, a Barack Obama appointee, issued the 13-page ruling and a separate order granting summary judgment enjoining the state from enforcing provisions in the law which restrict the carrying of firearms in: (1) locations selling alcohol for onsite-consumption, (2) private buildings or property without the owner's consent, and (3) within 1,000 feet of a public demonstration.

"We are pleased that the Court found Maryland's draconian 'anti-carry'



rule to be unconstitutional," said SAF Executive Director Adam Kraut. "Such a provision flies in the face of this nation's history and tradition. Of course, we will examine the court's opinion and weigh our options for appeal to continue to challenge other provisions we believe are unconstitutional."

SAF is joined by Maryland Shall Issue, the Firearms Policy Coalition and three private citizens, all of whom possess "wear and carry permits," including Susan Burke of Reisterstown, Esther Rossberg of Baltimore, and Katherine Novotny of Aberdeen, for whom the lawsuit is named. They are represented by attorneys David H. Thompson and Peter A. Patterson at Cooper & Kirk in Washington, D.C., Mark W. Pennak at Maryland Shall Issue in Baltimore, and Matthew Larosiere from Lake Worth, Fla. The case was consolidated with a similar case known as *Kipke v. Moore*.

"We're delighted by the court's decision," said SAF founder and Executive Vice President Alan M. Gottlieb. "This is just one more step in SAF's ongoing effort to win firearms freedom, one lawsuit at a time."

SAF PETITIONS FOR CERTIORARI IN DEL. GUN, MAG BAN CHALLENGES

Attorneys representing SAF and its partners in two different federal court challenges of gun and magazine bans in Delaware have petitioned the U.S. Supreme Court for certiorari, asking the court to rule whether an infringement of Second Amendment rights constitutes per se irreparable injury.

The cases — *Gray v. Attorney General Delaware* and *Graham v. Attorney General Delaware* — were consolidated with a third case in the Court of Appeals.

In *Gray*, SAF is joined by FPC, DJ-JAMS LLC and two citizens, William Taylor and Gabriel Gray. In the *Graham* case, SAF and FPC are joined by two other citizens, Christopher Graham and Owen Stevens. They are represented by attorneys Bradley P. Lehman at Gellert, Scali, Busenkell & Brown in Wilming-



ton, Del., and David H. Thompson, Peter A. Patterson and John D. Ohlendorf at Cooper & Kirk in Washington, D.C.

Noting in their petition that the high court has previously ruled that “the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury,” SAF and its partners ask the court to

determine whether the same standard applies to the Second Amendment.

“All rights protected by the Constitution are equal,” said SAF founder and Executive Vice President Alan M. Gottlieb, “and therefore any infringements on one right should merit the same degree of scorn as infringements against another right.”

“The Circuit Courts of Appeals have split over whether an infringement of Second Amendment rights inflicts an irreparable harm,” noted SAF Executive Director Adam Kraut. “The Seventh and Ninth Circuits have held that infringements constitute irreparable harm, while the Third Circuit disagrees. It is this split which should bring Supreme Court review and a ruling which applies uniformly across the circuits.”

SAF REQUESTS EN BANC REHEARING IN ‘SENSITIVE PLACES’ CASE

Attorneys representing the Second Amendment Foundation and its partners in a case challenging California’s “sensitive places” statute have filed a petition for an en banc rehearing before the Ninth U.S. Circuit Court of Appeals. The case is known as *May v. Bonta*.

SAF is joined by Gun Owners of America, the Gun Owners Foundation, Gun Owners of California, Liberal Gun Club, California Rifle & Pistol Association and several individuals including Reno May, for whom the case is named.

They are represented by attorneys C.D. Michel, Joshua Robert Dale, Alexander A. Frank and Konstadinos T. Moros at Michel & Associates in Long Beach, Calif., and Donald Kilmer of Caldwell, Idaho.



A three-judge panel recently affirmed an injunction against the state’s restrictions “with respect to hospitals and similar medical facilities, public transit, gatherings that require a permit, places of worship, financial institutions, parking areas and similar areas connected to those places, and the new default rule as

to private property.” But it was only a partial victory, and it narrowed the sweeping injunction issued earlier by the district court.

“As we note in our petition,” said SAF founder and Executive Vice President Alan M. Gottlieb, “the Ninth Circuit Court has never hesitated to grant en banc review in order to uphold a gun control law, so it should grant review in this case to uphold the general right to public carry as affirmed by the Supreme Court in the *Bruen* decision.”

“Our initial victory was upheld in part by the Ninth Circuit panel,” said SAF Executive Director Adam Kraut. “We are now asking the court to fix the panel’s errors as to the provisions of the law which were upheld by reversing the district court’s injunction.”

SAF FILES FOR EMERGENCY STAY WITH SCOTUS IN CA GUN SHOW CASE

Attorneys representing SAF and its partners in parallel cases challenging California's ban on gun shows held on public property have filed an emergency application with SCOTUS asking that a Ninth Circuit Court mandate be recalled, and a stay be issued pending an appeal to the high court later this year.

The cases involve two sets of plaintiffs. A legal action in the Southern District in San Diego involves SAF, B&L Productions/Crossroads of the West, Barry Bardack, Ronald J. Diaz, Sr., John Dupree, Christopher Irick, Robert Solis, Lawrence Michael Walsh, Captain Jon's Lockers, L.A.X. Firing Range/LAX Ammo, CRPA, and South Bay Rod and Gun Club.

In the Central California case, SAF is joined by B&L Productions/Crossroads of the West, Gerald Clark, Eric Johnson, Chad Littrell, Jan Steven Merson, CRPA,



ment Law Center.

They are represented by attorneys C.D. Michel, Anna M. Barvir and Tiffany D. Chevront, and Donald Kilmer.

The emergency application was submitted to Associate Justice Elena Kagan. The goal is to have an order by the Ninth Circuit's three-judge panel allowing the gun show ban to be enforced to be recalled, and in its place to have a stay granted, pending a request for

the Asian Pacific American Gun Owners Association and the Second Amend-

certiorari to the high court.

"The state already agreed to a stay," said SAF founder and Executive Vice President Alan M. Gottlieb, "but the Ninth Circuit panel issued its order anyway. This case involves serious First and Second Amendment issues."

The petition notes, "The business model of gun shows is a case study in exercising rights under the First and Second Amendments, and the operative complaint contains ample, legally sufficient allegations of California's animus toward Applicants and their activities... The Ninth Circuit's refusal to even address Applicants' animus claim is inconsistent with this Court's precedents and warrants certiorari."

"We would very much like this case to move forward with as little drama as possible," Gottlieb said.

SAF LAUDS ACLU'S AMICUS TO 9TH CIRCUIT IN 2ND AMENDMENT CASE

SAF is applauding an amicus brief submitted by the ACLU in a Second Amendment case which contends a man named Steven Duarte "did not forfeit his Second Amendment rights because of a past, nonviolent felony conviction." The case is known as *U.S. v. Duarte*.

"This is a remarkable and refreshing approach by the ACLU," said SAF founder and Executive Vice President Alan M. Gottlieb. "The organization has produced a stunningly detailed amicus brief supporting the Second Amendment. While acknowledging its history of concerns regarding gun-related violent crime, in this case the ACLU properly criticizes federal law for permanently disarming people previously convicted of nonviolent offenses, including misdemeanors where a state legislature has imposed a suf-

ficiently long possible prison sentence to result in a lifetime loss of Second Amendment rights. Thus, as the ACLU sagely observes, someone could be put in prison for 'the most fleeting, innocuous, or merely constructive 'possession' of a firearm."

The ACLU's 40-page brief, Gottlieb noted, is very critical about how the law has been used to punish people who had been previously convicted for the most innocuous offenses. The brief notes, for example, "The government cannot show that applying such sweeping criminal liability to people like Mr. Duarte is consistent with the principles underpinning our tradition of regulating firearms."

Duarte had previously been convicted of nonviolent offenses such as

vandalism and drug possession. As detailed in the brief, the government "never contended that he poses a danger or threat of violence to others." Yet the statute, 922(g)(1), was used to severely punish Duarte, sentencing him to four years in prison.

"We are delighted the ACLU recognizes the government has wielded a very heavy hand in its enforcement of federal statute 922(g)(1)," Gottlieb stated, "not only against Mr. Duarte, but also against other people. The ACLU makes a compelling argument that the government has failed to justify permanently stripping people of their Second Amendment rights, when they do not pose a risk to society, simply because of a previous conviction that might be punishable by more than a year in prison."