



March 31, 2020
by email to nancy.vaughan@greensboro-nc.gov

Mayor Nancy Vaughan
City of Greensboro
P.O. Box 3136
Greensboro, NC 27402-3136

Re: Notice to Cease and Desist Deprivation of Constitutional Rights

Dear Mayor Vaughan:

[Grass Roots North Carolina](#) and [Gun Owners of America](#) are nonprofit organizations representing the interests of many thousands of North Carolinians who value limited government and the right to keep and bear arms. Our members and supporters in the City of Greensboro have been extremely concerned about your recent statements purporting to close gun stores within the City, pursuant to the updated joint Proclamation issued March 30, 2020 for several jurisdictions including the City of Greensboro. This letter urges you to adopt a new interpretation of the Proclamation that would permit Second Amendment related businesses in Greensboro to continue to function.

In our view, the business shut down provisions of the Proclamation do not, on their face, require gun stores and other Second Amendment related businesses to close. To be sure, the Proclamation states that “firearm and ammunition suppliers and retailers” may remain open for “purposes of safety and security” by supplying other “businesses and operations.” *Id.* at 11. This might be read to indicate that gun stores can remain open for that limited purpose, but no other purpose, such as sales to the public. However, this interpretation would be arbitrary and capricious, and would be like saying that Home Depot can remain open to sell lumber (essential), but not tile (not essential).

Additionally, we believe that other provisions in the Proclamation apply to exempt gun stores and similar businesses. For example, gun stores provide essential “services and supplies ... necessary to maintain the safety ... of residences.” *Id.* at 5-6, 9. Move over, the Proclamation exempts businesses that it calls “Essential Infrastructure,” which it identifies as “defined in the ‘Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response’ from US Department of Homeland Security.” *Id.* at 2. That memorandum was originally issued on [March 19, 2020](#), but was updated on [March 28, 2020](#) to include:

Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.

Thus, there are good arguments that Second Amendment protected businesses such as gun stores and ranges within the City of Greensboro do not fall under the closure orders in the Proclamation. Moreover, applying the Proclamation to gun stores would violate state law and both the federal and state constitutions.

On March 29, 2020, GRNC and GOA contacted Wake County, North Carolina officials, to raise similar concerns, including that statements by county officials had indicated that gun stores in Wake County were required to close under that county's Proclamation. We also pointed out the updates to the CISA list, and asked the county to reconsider its interpretation of its Proclamation as applied to gun stores and related businesses. Yesterday, March 30, 2020, we engaged in a productive dialogue with Wake County officials, who agreed that gun stores would be permitted to remain open during the county's emergency declaration.

Yet, in spite of the numerous reasons (discussed above) why Second Amendment related businesses should be considered exempt from any requirement to shut down under the Proclamation, you have reportedly taken it upon yourself to declare that gun stores must shut down. At least one [news source](#) has reported that you claimed yesterday, March 30, 2020, that “[g]un stores do not meet the essential service either.”

We would hope that you would reconsider this position, particularly in light of the change to the DHS CISA list of critical infrastructure, and also for the additional reasons outlined above.

Even so, based on your position that gun stores must close down, which represents a credible threat of prosecution, GRNC and GOA are in the process of preparing litigation to challenge your deprivation of the constitutionally protected rights of our members and supporters in your jurisdiction on several bases, including those outlined above. We are planning on filing suit very soon to enjoin you from continuing to order gun stores be closed.

However, we have directed our lawyers to delay filing that litigation until at least 12:00 noon on Thursday, April 2, 2020, to give you the opportunity to conform your position on Second Amendment businesses so that it conforms to the current updated CISA list of March 28, 2020, state law, and federal and state constitutional requirements. We request that you take this action without delay.

Please let us know by close of business tomorrow, Wednesday, as to whether you will be making that change to your interpretation of the Proclamation, in order to permit the continued operation of essential Second Amendment businesses such as gun stores and ranges within Greensboro, so that we can avoid unnecessary litigation. With best regards.

Sincerely,



Erich Pratt
Senior Vice President
Gun Owners of America



F. Paul Valone
President
Grass Roots North Carolina

cc: David Parrish
Greensboro City Manager