

THE Gun Owners

44 YEARS OF NO COMPROMISE – 1976-2020

GOA Activists Making a Huge Difference Across the Country

by Erich Pratt

Gun owners know that their rights have come under tremendous attack this year.

All around the country, many governors and mayors tried to shut down gun stores and gun ranges in the name of keeping people safe from a virus. Of course, these same politicians seemed to have no problem with rioters and looters, arguing that they need to be given “their space.”

But in the face of these attacks upon our security, Americans are buying guns at a record pace. And Gun Owners of America has been fighting back to curtail the spread of the gun control virus across the country.

GOA has worked with various local groups to sue in court and to get gun stores and ranges reopened. And we have persuaded sheriffs to resume the process of issuing concealed carry permits.

The GOA legal team has active cases in courtrooms from from coast to coast:

- **Universal Background Checks.** In Virginia, Gun Owners of America won a historic victory in a lawsuit challenging one of the newly-enacted gun control laws in the state. (More on this in the box to the right.)

Continued on page 2

GOA Achieves Historic Decision in Virginia



Virginia Gov. Ralph Northam recently enacted several gun control laws, including Universal Background Checks (UBCs). But after Gun Owners of America and the Virginia Citizens Defense League challenged UBCs in the courts, a judge issued a temporary injunction to prevent the law from being applied to young adults. This was unprecedented in Virginia, and it marked the first time a judge has imposed a temporary injunction upon an act that was passed by the General Assembly. GOA looks forward to having this law fully overturned in the courts.

NICS: Delaying and Denying Your Right to Keep and Bear Arms

by Alan M. Rice

Despite claims to the contrary by some firearms advocates, NICS has not been fixed. It is badly broken, and instead of “fixing” it, we should have a serious discussion about repealing this significant infringement on the right to keep and bear arms.

In 1993 when Congress was debating what would become the Brady Law, GOA predicted that people who can lawfully purchase a gun would, at worst, be denied that right, and at best, have the right delayed — because contrary to the claims of politicians on both

sides of the aisle, instant checks are NOT instant. Hence, GOA has consistently opposed NICS and every single misguided attempt to “FIX NICS,” which is badly broken and needs to be scrapped, not “fixed.”

I was recently contacted by Mr. Jim McLoud who is the owner of Shooters Outpost in Hooksett, NH about the lengthy NICS delays and the problems they are causing for his business. Mr. McLoud told me that he has over \$100,000 in handguns that have been sold but cannot be handed over to the

Continued on page 6

Inside:

- **New Gun Owners Will Change the Political Landscape (page 3)**
- **GOA on the Frontlines (page 4-5)**
- **The Supreme Court Fiddles While the Second Amendment Burns (page 8)**

GOA Activists Making a Huge Difference Across the Country

Continued from page 1

- **Regulatory Overreach.** GOA has brought suit against the ATF in federal court in Michigan and Alabama. In both cases, GOA is suing the bureau for illegitimately preventing each state from allowing gun owners to use their concealed carry permits as exemptions to the NICS background check.
- **Gun bans and waiting periods.** GOA will soon be filing suit in state court in Washington to challenge the recently enacted Initiative 1639, which contained a slew of anti-gun provisions approved by voters during the November 2018 election. This suit will challenge various specific provisions of I-1639 as violating Article I, Section 24 of the state constitution protecting the right to keep and bear arms. And we are seeking a court order that I-1639 is void and unenforceable.

For each of these victories and challenges mentioned above, GOA members have played a huge role through activism and financial support.

Good News from Around the Nation

Because the COVID-19 pandemic and massive rioting have grabbed headlines for most of the year, there are many positive news stories that the mainstream media is simply not reporting. Here are some of the key victories from around the nation that readers may have missed.

1) Stopping Red Flag Laws. In May, Oklahoma enacted the first-in-the-nation law to prohibit funds for “Red Flag” legislation. This GOA-backed law effectively bans gun confiscation orders at any level of government.

2) Ending lawless gun bans during emergencies. In June, grassroots gun owners in Louisiana helped push four pro-gun bills into law, including a ban on future gun bans. This victory, in large part, was realized because of the work of GOA activists. (See p. 4.)

3) Regaining lost freedoms in the courts. In July, a Virginia judge ruled on a GOA-sponsored case and issued a statewide injunction preventing Universal Background Checks (UBCs) from being applied to 18-20-year-olds.

This was a historic triumph. According to statements made in court by the Solicitor General, *no court has ever before* issued a temporary injunction to invalidate an act from the General Assembly —

that is, until the mini-victory in this lawsuit which was brought by Gun Owners of America and the Virginia Citizens Defense League.

The bigger lawsuit continues as both organizations, are fighting to see

the entire UBC law struck down. Read more about this case at: gunowners.org/na07152020

4) The pool of gun-owning voters is growing. Americans right now are setting all-time records with regard to gun sales. And many reports indicate that the spike in gun purchasers is from people who are buying their first gun — some estimates putting the number at 40 percent of the overall number of gun sales.

There’s already some evidence that gun rights will be a big issue for the first-time gun owners in the upcoming election. Gun dealers report that these new gun buyers, who are scared by the deterioration of society, are now *outraged* by the gun restrictions which they formerly supported.

And *The Washington Free Beacon* reports that many first time buyers who “generally leaned toward enhanced restrictions [now] find themselves more skeptical of gun control.”

One former gun control proponent in California finally decided it was time to buy a gun to protect his family. But he had to wait over a month before he could finally purchase and pick up his weapon.

This journey has finally helped him to see the light. He commented that — during the time it took him to get his gun — bad guys in the area would have been able to buy their illegal guns “out of the back of an El Camino in a shady part of town with zero background checks.”

He now owns the very AR-15 which he used to think should only be available to military and police. And he’s considering running for office — a new believer in the right to keep and bear arms. He’s not alone.

While the above stories are anecdotal, it is possible that a pro-gun tidal wave could be cresting. When Staunton, Virginia held elections for city council in May, voters defeated every Democrat office holder who was running for reelection. This was stunning, given that the city of Staunton had twice voted for Obama ... voted for Hillary ... and for the current Democrat governor.

But Virginia has been a hotbed for gun control this year, and voters are rebelling. This was not lost on the media which reported that “gun control legislation” was a key issue in the transformational election. The election results shocked the political intelligentsia — one of whom noted that what happened in Staunton was “stunning almost beyond words.”

Time will tell what will actually happen across the country. But if a conservative is a “liberal who got mugged,” there may be a lot more pro-gun conservatives turning out on Election Day this November. ■



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DON'T TREAD ON ME:

New Gun Owners Will Change the Political Landscape

by Rachel Malone

Gun sales are at an all-time high — and it's no wonder, considering current events.

Americans have always known that our gun ownership keeps us protected. Years ago, Admiral Yamamoto of Japan purportedly said that the reason Japan could not invade the United States mainland during WWII is that "there would be a rifle behind each blade of grass." He was referring to the mass of armed citizens who stood ready to protect their country and their freedoms.

Whether or not the admiral actually said this, the phrase does represent the logical understanding that it's not safe to invade a group of well-armed people.

It's the same philosophy as shown in much of our American heritage, including the Gadsden flag. "Don't Tread On Me" with a coiled rattlesnake shows that it's not wise to tyrannize people who could fight back.

Lately, Americans have shown a strong interest in staying well-armed: we have been purchasing guns in even greater quantities. Firearms purchases reached an all-time high in June. We know this from FBI data on background checks released monthly since November 1998.

Federal law requires that a gun dealer (someone with a Federal Firearms License, or an FFL) must run a background check on a prospective gun buyer before transferring the firearm. These background checks are run through the National Instant Criminal Background Check System (NICS) and are also called NICS checks. These NICS checks are what the FBI reports monthly.

The monthly number of NICS background checks doesn't give an exact count of firearms purchased. In states such as Texas, which don't require a NICS check on private gun sales or if the buyer shows a state-issued License to Carry, the count won't include the guns that are legally bought using those methods. Also, if someone purchases multiple guns from the same dealer, the dealer may only run one NICS check.

And sometimes NICS checks are run even when someone doesn't purchase a gun.

Still, the number of background checks run through NICS does give a strong indication of a rise or fall in gun purchases. And throughout 2020, NICS checks have been higher than they've been since the FBI started recording them over 20 years ago.

During the month of June 2020, the FBI reported over 3.9 million NICS checks. In contrast, the FBI reported only 2.3 million checks in June 2019 and 1.9 million in each of the previous two Junes (2018 and 2017). In fact, this year is the first time the checks have reached 3 million. NICS checks trend upward each year, but this year's spike has been extraordinary.

Many gun stores report that this influx of gun purchasers is largely from people who are purchasing their first gun.

In other words, they're regular Americans — soccer moms, store clerks, businesspeople, blue collar workers, college students, grandparents — who have suddenly realized that they're vulnerable and they don't trust the government or anyone else to keep them safe. They are convinced that a gun is a tool that can help them stay safe, and they believe this strongly enough to invest in their own first firearm.

If this new segment of gun owners would take a stand to protect our gun rights, the political landscape could change.

Assuming the new gun owners have not previously been politically active, or that they have not voted in favor of gun rights, they wield incredible political power as a voting bloc. They can be the tipping point to elect new slates of candidates who will stand up for our right to keep and bear arms. And they can provide the rush of public opinion needed to pressure squishy politicians to stop infringing on our rights.

Unfortunately, a NICS check is itself an inherent infringement on your right to keep and bear arms.

It assumes you are guilty until proven



GOA's Texas Director Rachel Malone spoke at the Constitutional Freedoms Rally in Greenville, Texas in June. Malone gave the 300 attendees valuable insight on how they can mobilize to protect the right to keep and bear arms.

innocent: you're unable to purchase a gun from a gun shop until you can pass the litmus test and show your worthiness. The system was implemented purportedly to stop crime but fails miserably at that goal. Instead, it malfunctions so often that it is more likely to hinder honest, law-abiding citizens from purchasing a gun.

Perhaps the only usefulness of the NICS system is that it shows that Americans are very interested in gun ownership.

Criminals, beware: the people of America are arming themselves and you risk your life if you try to come after them, their homes, or their families.

The American government should also take notice: its people are armed, and it must not tread on us. ■

Rachel Malone is the Texas Director for Gun Owners of America. This article ran in the Houston Courant on July 11, 2020.



Gun Owners of America



◀ Louisiana Protects the 2A During Times of Emergency

In June, grassroots gun owners in Louisiana helped push four pro-gun bills into law, including a ban on future gun bans. These laws will strengthen Louisiana's firearm preemption law, eliminate some of the burdensome requirements to carry a concealed handgun in a place of worship, allow Constitutional Carry of a concealed firearm during a mandatory evacuation in a state of emergency; and remove the authority of a chief law enforcement officer to ban or regulate firearms or ammunition during an emergency or disaster. The latter legislation was introduced and pushed into law specifically because of the activism of GOA supporters. Rep. Blake Miguez (R), pictured here, is a former world champion shooter and contestant on History Channel's Top Shot. Rep. Miguez introduced the bill in response to appeals from GOA members who were upset about executive officers, such as New Orleans Mayor LaToya Cantrell, who were claiming the authority to limit or prohibit the sale of firearms during the declared emergency this year. So kudos to the activism of GOA supporters — and for legislators like Rep. Miguez (Dist. 49) who listen to their constituents!

Fighting for Freedom in the Bay State ▶

In times of uncertainty, the last place that should be closed for business is a gun store or range. That's why GOA fought to reopen gun stores and ranges around the country, including Massachusetts. Despite federal guidance designating the firearms industry as essen-

tial, the Bay State's Attorney General Maura Healey forced Governor Charles Baker to mandate the closure of gun stores and ranges within the state. But GOA partnered with several other plaintiffs and pro-gun attorney Andrew Couture (pictured right) to reopen these Second Amendment-protected businesses. Couture is joined by GOA's Alan Rice (left) and Jared of *Guns & Gadgets* (center) at the Massachusetts Flag Day 2A Rally in June.



◀ New Gun Owners Must Get to the Ballot Box to Protect the Cartridge Box

GOA's Antonia Okafor joined *Fox and Friends First* to discuss the rapid rise in new gun owners and GOA's efforts in converting them into pro-gun voters. New gun owners must realize that presidential candidate Joe Biden seeks to eradicate the Second Amendment with the help of Robert "Take Your AR-15" O'Rourke as Gun Czar. Gun owners, new and old, must get to the polls to vote for no compromise candidates — up and down the ballot — to stand in the gap against the gun controllers. Antonia's *Fox and Friends First* interview can be viewed here: gunowners.me/ballotbox (case sensitive)

Making the Argument for the Second Amendment ▶

GOA's Erich Pratt joined Nick Freitas, a GOA-backed Congressional Candidate (VA-07), on his podcast, *Making the Argument*. Pratt and Freitas discussed why the everyday gun owner must get involved to protect the right to keep and bear arms and how to do that effectively. The podcast can be viewed here: gunowners.me/MakingTheArgument (case sensitive)



America on the Frontlines



◀ Second Amendment Ladies Show the Way

GOA's Texas Director Rachel Malone (right) sat down with three Gun Owner's Choice candidates running for state representative in Texas. Carrie Isaac (left), Shelby Slawson (left middle), and Jennifer Fleck (right middle) discuss their races and the fight to pass Constitutional Carry and repeal "gun-free" zones. The video can be viewed at: gunowners.me/TX2ALadies (case sensitive). Around the country, GOA is involved in several key races at the federal and state levels — including, but not limited to, Montana, Kentucky, Kansas and Georgia.

Running to Give Anti-Gunners the Boot Out of Office ▶

GOA is working around the country to give anti-gunners the political "boot" from office. One pro-gunner who is fighting to oust an anti-gun incumbent is Danny DeVito (pictured left) with GOA's Val Finnell. DeVito, who is a strong supporter of the right to keep and bear arms, is challenging an "F" rated state representative in Pennsylvania's 45th District.



◀ The Second Amendment is for Everyone

GOA's Antonia Okafor hosted a panel in Orlando, Florida, to discuss how the Second Amendment is for everyone. Among other subjects, the panel discussed the significance of the right to keep and bear arms for them personally. Notably, Hank Strange said, "Guns are a gateway drug to freedom." Pictured left to right is Rhonda Mary, Edgar Antillon, Maj Toure, Devin Perkins, Antonia Okafor, Spike Cohen, Alicia Garcia, and Hank Strange.

Powerful Voices for the Second Amendment ▶

Gun owners may remember Mark Robinson's "I AM THE MAJORITY" video that went viral two years ago. In his impassioned speech, Robinson was protesting gun control in Greensboro, NC. Since then, he has become one of the most powerful voices for the Second Amendment, even running for Lieutenant Governor of North Carolina and earning GOA's endorsement. He is pictured here with GOA's Erich Pratt (right) at a pro-gun event, where they both spoke.



NICS: Delaying and Denying Your Right to Keep and Bear Arms

Continued from page 1

buyers because of delays in the “instant check” — delays that are averaging about a hundred transactions per week.

Some may think that he should just hand over the gun to the buyer at the end of three business days — because that is what the law says. That would be reasonable if Mr. McLoud’s business was located in a state where the FBI handles NICS and the majority of checks are processed within a few minutes and very few are delayed. However, Shooters Outpost is in New Hampshire and the New Hampshire State Police (NHSP) are the “point of contact” for NICS checks for handguns sold by licensed dealers in that state.

Here’s how it all works: Shooters Outpost (or any other dealer) contacts the “Gun Line” and one of two things happens. Either they are told “we will call you back,” then at some later time, the dealer is asked for the customer’s information (name, date of birth, etc.) Or NHSP takes the buyer’s information on the initial call and just says “we will call you back.”

The sad truth is the New Hampshire “Gun Line” has always been operated in this grossly inefficient manner. When gun sales are not hitting record-high volumes, the call back comes anywhere from 15 minutes to a few hours. However, during busy times, the hours turn into days and in the wake of the COVID-19 pandemic, the days are turning into weeks. This is far from instant, and completely unacceptable.

Even though New Hampshire law does not include a waiting period for gun buyers — legislation that would have enacted one was recently defeated — a waiting period is in fact being forced upon gun buyers due to bureaucratic delays.

The reason that dealers like Mr. McLoud are reluctant to transfer the gun at the end of three business days is because delays exceeding three days are now the norm instead of the exception and as the numbers increase the likelihood of a “delayed denial” increases. When this happens, NHSP asks the dealer to attempt to retrieve the handgun. A dealer then has a used gun on

Decades of Fighting for the Right to Keep and Bear Arms



Alan Rice is a firearms instructor and the New Hampshire State Director for GOA. He has been active in the Second Amendment community for over 30 years, and he has volunteered for GOA for over 20 years. He is also a co-author of the book, *Lethal Laws: Gun Control is the Key to Genocide*.

his hands and many customers expect a full refund. From the point of view of both retailer and purchaser, this is a nightmare scenario.

I contacted the NHSP to find out why there are such long delays when the FBI is able to issue an approval, denial, or delay in less than five minutes. I was told that from January 1, 2020 through early June, NHSP processed about 40,000 checks, while for the full year in, 2019, they processed 59,000. They claim a 36% increase in gun sales but have not received anywhere near a 36% increase in staff. I was also told that NHSP has denied about 500 attempted purchases in 2020. NHSP claims known felons are attempting to buy guns, but we are not convinced that felons represent anything other than a tiny percentage (if any) of this number; because the history of NICS has shown that close to 95% of NICS denials are false positives.

To get further clarity, and possibly a different perspective, I spoke with Jay E. Simkin, who has held an FFL since 1983 and is an international economist. Jay told me:

Background checks are a consumer fraud: The Federal authorities basi-

cally do not prosecute those who, being prohibited, seek to acquire firearms from a Federally-licensed dealer. Such an attempt to acquire is a Federal felony. Most states (including New Hampshire) do not prosecute those properly denied.

Simkin also said that:

With some 411,000,000 firearms in the U.S. (military items excluded) a person properly denied will get a firearm, just not from a licensed dealer in firearms.

He went on to explain that:

A broad-based study by the U.S. Government Accountability Office (GAO), found that: “In fiscal 2017, the Bureau of Alcohol, Tobacco, Firearms, and Explosives referred about 12,700 denied purchases to its field divisions for investigation. As of June 2018, U.S. Attorney’s Offices prosecuted 12 of these cases.” And the states are not doing any better, at the state level, officials from 10 of 13 selected states said they did not investigate or prosecute firearm(s) denials, some citing competing resource demands and the lack of statutes with which states prosecute as reasons.

Gun sales spike after COVID-19 and riots

It is long-settled caselaw that a private citizen cannot sue the police for failure to provide protection services. Firearms are the great equalizer — but only if people can get them. Due to the widespread problems with NICS, it has become difficult for many would-be gun owners to become actual gun owners. And the problem is even worse in states which require a government-issued permit or license *before* a person can purchase a gun or ammunition.

GOA has opposed NICS since its inception. And now that gun buyers are seeing firsthand that what we predicted would happen is actually happening — that is, they can’t obtain a self-defense firearm in a timely fashion — the time is right to start talking to state legislators and Members of Congress about a full repeal of NICS infringements. ■

Alan M. Rice is a Firearms Instructor and is the New Hampshire State Director for GOA. A version of this article ran in Ammoland.com on June 30, 2020.

The Supreme Court Fiddles While the Second Amendment Burns

Continued from page 8

upheld Obamacare) or Justice Gorsuch (who rewrote the 1964 Civil Rights Act) to again side with the solid anti-gun Democratic bloc on the Court, the pro-gun justices would continue to bide their time.

Supreme Court inaction is certainly not the worst thing that could happen. President Trump's appointments to the lower federal courts are turning some of the twelve federal circuits from anti-gun to pro-gun, and every month that passes, the turnover in lower court judges improves gun rights. And it certainly is true that a bad Second Amendment decision would be worse than inaction, as it would undermine — not strengthen — the power of the Supreme Court's most recent guidance in *Heller* and *McDonald*.

One of the reasons that we thought that the *Heller* and *McDonald* decisions were landmarks is not just because the Supreme Court ruled that the Second Amendment protected an individual right, and that the Second Amendment applied to the states, but also because those decisions set out the method by which future gun cases were to be decided. This methodology issue is the critical issue facing us now.

Before *Heller*, the Second Amendment was the most significant constitutional provision without a long line of Supreme Court cases trying to explain its meaning. The justices knew that in *Heller*, they had the first case of any sort where they were unconstrained by precedent, giving them a historic opportunity to get it right.

The *amicus* brief filed by Gun Owners of America took advantage of the moment, rejecting the application of commonly used “interest balancing” tests. We stated: “According to its **text, context, and historic setting**, the Second Amendment protects an individual right to private possession and use of handguns in one's own home.” We argued, simply, that, “[w]hether the right to keep and bear arms is violated, then, must turn on whether the particular firearm regulations ‘infringes’ either the class of persons who, by nature, constitute the ‘people’ or the class of ‘arms’ appropriate to a ‘well regulated militia’.”

Justice Scalia's opinion for the Court in *Heller* rejected the application of First Amendment jurisprudence to the Second Amendment.



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However, others briefing the case fell back on what was familiar to them and argued *Heller* as though it were a First Amendment case, employing judge-made standards of review based on classifying rights as “fundamental” or not, “interest balancing,” and standards of review such as “strict scrutiny,” “intermediate scrutiny,” and “rational basis” analysis.

These other lawyers did not see the danger in arguing First Amendment tests should be applied in the Second Amendment arena. But, there is a fundamental difference. With the First Amendment, the government's interests are often not substantial. However, with guns, the courts must weigh the government's interest in public safety against the people's right to arm themselves — a construct where public safety almost always wins.

Chief Justice Roberts rejected the use of First Amendment balancing tests during oral argument in *Heller*.

And consistent with Justice Robert's observations, Justice Scalia's opinion for the Court in *Heller* rejected the application of First Amendment jurisprudence to the Second Amendment. “There seems to us no doubt, on the basis of both **text and history**, that the Second Amendment conferred an individual right to keep and bear arms.” He rejected what he called “judge-empowering” interest balancing, as the Second Amendment itself “is the very product of an interest-balancing by the people.”

The *McDonald* decision followed the *Heller* model. In *McDonald*, even dissenting Justice Breyer recognized that *Heller* had rejected interest balancing in deciding Second Amendment cases.

But after giving gun owners huge victories in *Heller* and *McDonald*, the Supreme Court has gone silent for a decade while the lower courts have used Justice Breyer's “interest balancing” to give victory after victory to anti-gun state and local government lawyers. These lower court judges have tried to reduce the *Heller* victory to its facts — that no government entity can enact a complete ban on a handgun in the home — and nothing else.

As President Trump alters the composition of the lower federal courts, the trend is moving in the right direction, but how and why was the momentum lost after *Heller* and *McDonald*? That is the subject of Part II in this series of articles. And, in Part III, we will suggest a path forward to change our strategies in order to achieve victory in the Courts. ■



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This article first ran in *The Truth About Guns* on June 18, 2020. Part 2 of this article can be read here — gunowners.me/part2 — and Part 3 can be read here — gunowners.me/part3 (links are case sensitive).



THE SUPREME COURT FIDDLES WHILE THE SECOND AMENDMENT BURNS:

An Abdication of Duty

by John Velleco

For the last decade, the United States Supreme Court has abdicated its constitutional duty to resolve “cases and controversies”

involving the Second Amendment. It has run from its historic duty, as articulated by Chief Justice John Marshall, “to say what the law is.”

The High Court has stood on the sideline while the lower federal courts have allowed government at all levels to infringe the People’s right to keep and bear arms. It has watched silently while its seminal Second Amendment decisions in *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010) have been undermined by anti-gun district and circuit court judges. The Supreme Court’s neglect of its historic duty to protect the Second Amendment-protected rights of Americans has been nothing less than shameful. But in the last few weeks, it has gotten much worse.

On April 27, 2020, in *New York Rifle & Pistol v. New York City*, Chief Justice Roberts joined the anti-gun, Democrat-appointed Justices on the Court to declare that New York politicians could manipulate the judiciary by enacting anti-gun laws, and then repealing them after years of litigation — just before it appeared they would be struck down by federal courts. Gun owners were shocked that the Supreme Court could declare the years-long litigation “moot” when everyone knew that New York was playing games with the Court, but the Chief Justice did not seem to have the will to use that opportunity to defend the Second Amendment.

But there was still hope. After all, there still were 10 pending petitions for certiorari in the U.S. Supreme Court. No doubt at least one of those cases would be a good vehicle for the pro-gun justices to re-affirm Justice Scalia’s decision in *Heller* and Justice Alito’s opinion in *McDonald*. But

then, on one notable day, June 15, 2020, the Supreme Court denied certiorari review in all 10 pending petitions.

Could it be true that not one of these cases provided a good fact pattern to issue a helpful decision? Doubtful.

The Upside of Supreme Court Inaction

Justice Thomas wrote a stunning dissent in one of those cases, *Rogers v. Grewal*, calling out the Court for abandoning the Second Amendment. Justice Kavanaugh joined in the portion of the Thomas dissent that addressed the need of the Court to weigh back in on the Second Amendment. Justice Alito wrote the *McDonald* decision, and with his demonstrated support for the Second Amendment, it appears we have three pro-gun justices. Where are the rest?

As of today, there is only one gun case of note now pending on certiorari — *Rodriguez v. City of San Jose*, where GOA filed the only *amicus* brief supporting the petition on May 20, 2020. The Supreme Court ordered San Jose to file a reply to the petition — always a good sign — and we hope for the best, but there is no guarantee that *Rodriguez* will not go the way of the other 10 petitions. On June 17, 2020, the City of San Jose filed its opposition brief, and although San Jose took the unusual step of withholding consent to the filing of



GOA’s *amicus* brief, San Jose addressed several of the arguments raised by our brief, referring to us as “proposed amici.”

The most likely reason that the High Court rejected all 10 cases was that there was one (or more) anti-gun Justice(s) among the five Republican-appointed judges on that Court who could not be trusted. (Who might that be?) If so, it would be better to wait for President Trump to get re-elected, and have one more Justice appointed to replace a Democrat, to assemble a majority of five pro-gun votes among six GOP justices. Rather than allow Chief Justice Roberts (who

Continued on page 7

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