

SF: APPEALS COURT HEARS CHALLENGE TO BAN ON GUN SHOWS AT ALAMEDA COUNTY FAIR

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SAN FRANCISCO (BCN)

A long-running challenge to Alameda County's ban on gun shows at the annual county fair in Pleasanton was back before a federal appeals court in San Francisco today.

Gun show promoters Russell and Sallie Nordyke, of Willows in Glenn County, claim the ban violates their constitutional First Amendment right of free speech and their Second Amendment right to bear arms.

Their lawyer, Donald Kilmer, told the 9th U.S. Circuit Court of Appeals, "We are asking to be allowed to hold the traditionally law-abiding gun shows held in the county fair for 10 years."

A three-judge panel took the case under submission after hearing an hour of arguments and will issue a written ruling at a later date.

The ban was passed by the Alameda County Board of Supervisors in 1999, in the wake of a shooting at the 1998 fair in which eight people were injured.

The ordinance prohibits most gun possession on county property, with certain exceptions including possession by peace officers. The Nordykes say the effect of the law is to ban gun shows at the fair.

The Nordykes sued the county in federal court in San Francisco in 1999 and are currently appealing trial court rulings that upheld the law.

The case has already been to the California Supreme Court, which ruled in 2002 that the county measure was not preempted by state law, and to the 9th Circuit in an earlier round of arguments in 2003.

In 2003, the 9th Circuit said the ban didn't violate the Second Amendment, because, according to the court, the amendment protected only a collective state right and not an individual right to bear arms.

But that reasoning was rejected in a decision in which the U.S. Supreme Court said last year that the Second Amendment applies to individuals. The ruling, known as the Heller case, struck down a Washington, D.C., ban on handgun possession.

The Nordykes say the Heller decision means the Alameda County law should also be overturned.

But Peter Pierce, a lawyer for the county, argued that the Supreme Court ruling left room for local regulations of county property and for gun bans in "sensitive places" such as the fairgrounds.

"The states have historically regulated safety with respect to their own property," Pierce contended.

The Nordykes, whose gun show company is called TS Trade Shows, began presenting shows at the Alameda County fair in 1991.

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