

## NRA VICTORY IN SAN FRANCISCO LAWSUIT



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**SAN FRANCISCO DROPS BAN ON FIREARMS IN PUBLIC HOUSING**

January 29, 2009 - A National Rifle Association led coalition of self defense civil rights groups including the Second Amendment Foundation and the California Rifle & Pistol Association has prevailed in a Second Amendment lawsuit challenging a ban on firearm possession in San Francisco public housing residences. The final settlement documents were filed with the court today.

The San Francisco Housing Authority (SFHA) and the John Stewart property management company that runs San Francisco's public housing projects have agreed to completely remove a lease provision banning guns in the public housing units. The City of San Francisco itself legally stipulated that its ordinance banning gun possession on county owned or controlled property cannot be applied to the public housing properties, even though Mayor Gavin Newsom announced at a May 2007 press conference that the new city ordinance would ban gun possession there. By excluding the application of the San Francisco ordinance and forcing the removal of the lease provision, the right of public housing residents to choose to own a gun to defend themselves or their families has been restored. The settlements bring a successful conclusion to the lawsuit, filed in June of 2008.

The San Francisco concessions follow similar gun ban repeals by several Illinois towns that also faced NRA lawsuits filed immediately after the Supreme Court confirmed in late June that the Second Amendment protects an individual right to keep and bear arms.

"This success is further vindication of the U.S. Supreme Court's *Heller* ruling upholding the Second Amendment as protecting a fundamental, individual right for all law abiding Americans," said NRA-ILA Executive Director Chris W. Cox.

The decision to repeal SFHA's lease provisions banning firearms came despite initial claims by Mayor Newsom that the lawsuit would be "absolutely-defended," and comes after initial shrill claims by the San Francisco City Attorney that the lawsuit was "frivolous" and that the City would seek sanctions. No sanctions were ever sought, nor could they ever have been.

Although the success means the "incorporation" issue (whether the Second Amendment protects against infringements on the right to keep and bear arms by state and local governments, as well as the federal government) will not be resolved in the context of this lawsuit, NRA and coalition members are already pursuing other cases to resolve the incorporation issue. In fact, a California case raising the incorporation issue in the context of a legal challenge to a gun show ban ordinance that has been partially funded by the NRA for years (*Nordyke v. Alameda County*) was recently argued before the Ninth Circuit Court of Appeals, and a decision is forthcoming within the next few months.

NRA is also preparing additional legal challenges in San Francisco and Los Angeles regarding gun control ordinances that were not challenged in the current lawsuit. "We have already placed San Francisco and Los Angeles on notice of pending litigation over several other gun banning ordinances," said civil rights attorney Chuck Michel, who represented the plaintiffs in the case against San Francisco. "The NRA led coalition will likely also pursue civil rights actions against California itself as well as several other municipalities to challenge ill-conceived and unconstitutional or preempted state and local gun bans in the near future."

"Today is an important victory and a step in the right direction for the residents of San Francisco and for the citizens of California," concluded Cox. "NRA will keep up the fight to make sure the Second Amendment is respected throughout the country."

To view the stipulations and other documents related to the case, please click on the links below:

[Complaint.pdf](#)

[City & County of San Francisco Press Release](#)

[SF Voluntary Dismissal & Stipulation.pdf](#)

[Order Dismissing SF.pdf](#)

[SFHA Voluntary Dismissal.pdf](#)

[SFHA Stipulation To Repeal Gun Ban.pdf](#)

[John Stewart Co. Stipulation to Repeal Gun Ban.pdf](#)

[Voluntary Dismissal of Case.pdf](#)

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