



# NEWS RELEASE

## Second Amendment Foundation

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# SAF, CALGUNS FOUNDATION CHALLENGES CALIFORNIA HANDGUN BAN SCHEME

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BELLEVUE, WA and REDWOOD CITY, CA – The Second Amendment Foundation, The Calguns Foundation and four California residents today filed a lawsuit challenging a California state law and regulatory scheme that arbitrarily bans handguns based on a roster of “certified” handguns approved by the State. This case parallels a similar case filed in Washington, DC, *Hanson v. District of Columbia*.

California uses this list despite a ruling by the U.S. Supreme Court last summer that protects handguns that ordinary people traditionally use for self-defense, and a recent ruling by the Ninth Circuit Court of Appeals that the Second Amendment applies to state and local governments. The California scheme will eventually ban the purchase of almost all new handguns.

Attorney Alan Gura, representing the plaintiffs in this case, noted that California “tells Ivan Peña that his rights have an expiration date based on payment of a government fee. Americans are not limited to a government list of approved books, or approved religions,” he said. “A handgun protected by the Second Amendment does not need to appear on any government-approved list and cannot be banned because a manufacturer does not pay a special annual fee.”

“The Para Ordnance P-13 was once approved for sale in California,” Peña noted, “but now that a manufacturer didn’t pay a yearly fee, California claims the gun I want to own has somehow become ‘unsafe.’”

“The Glock-21 is the handgun I would choose for home defense, but California has decided the version I need is unacceptable. I was born without a right arm below my elbow and therefore the new ambidextrous version of the Glock-21 is the safest one for me. The identical model designed for right hand use is available in California, but I can’t use it,” said plaintiff Roy Vargas.

Added SAF founder Alan Gottlieb, “The Supreme Court’s decision is crystal clear: Handguns that are used by people for self-defense and other lawful purposes cannot be banned, whether the State likes it or not. California needs to accept the Second Amendment reality.”

Co-counsel Jason Davis remarked, “The California Handgun Roster has always been about making the possession of handguns for self defense more difficult by imposing arbitrary and unconstitutional restrictions that limit choice and increase the cost of exercising a fundamental right.”

Joining plaintiffs Peña and Vargas are Doña Croston and Brett Thomas. Doña Croston’s handgun would be allowed if it were black, green, or brown, but her bi-tone version is supposedly ‘unsafe’ merely based on color. “I didn’t realize that my constitutional rights depended on color. What is it about two colors that makes the gun I want to purchase ‘unsafe?’”

Brett Thomas seeks to own the same model of handgun that the Supreme Court ordered District of Columbia officials to register for Dick Heller. However, that particular model is no longer manufactured, and its maker is no longer available to process the handgun’s certification through the bureaucracy.

“There is only one model of handgun that the Supreme Court has explicitly ruled is protected by the Second Amendment and yet California will not allow me to purchase that gun,” said Mr. Thomas.

“The so-called ‘safe’ gun list is just another gun-grabbing gimmick,” said co-counsel Donald Kilmer. “California can’t get around the Second Amendment, as incorporated, by declaring most normal guns ‘unsafe,’ and gradually shrinking the number of so-called ‘safe’ guns to zero.”

The Second Amendment Foundation ([www.saf.org](http://www.saf.org)) is the nations oldest and largest tax-exempt education, research, publishing and legal action group focusing on the Constitutional right and heritage to privately own and possess firearms. Founded in 1974, The Foundation has grown to more than 600,000 members and supporters and conducts many programs designed to better inform the public about the consequences of gun control. SAF has previously funded successful firearms-related suits against the cities of Los Angeles; New Haven, CT; and San Francisco on behalf of American gun owners, a lawsuit against the cities suing gun makers and an *amicus* brief and fund for the Emerson case holding the Second Amendment as an individual right.

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