

## SAF, Calguns Challenge Arbitrary Denial of Right to Bear Arms In California



Written by Gene Hoffman

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BELLEVUE, WA and REDWOOD CITY, CA – The Second Amendment Foundation, The Calguns Foundation and three California residents today filed a lawsuit seeking to vindicate the right to bear arms against arbitrary state infringement. Nearly all states allow qualified law-abiding citizens to carry guns for self-defense, but a few states allow local officials to arbitrarily decide who may exercise this core Second Amendment right. In the action filed today, Plaintiffs challenge the policies of two California Sheriffs, in Sacramento and Yolo counties, who reject the basic human right of self defense by refusing to issue ordinary people gun carry permits. Of course, violent criminals in the impacted counties continue to carry guns without police permission.

State scientist Deanna Sykes believes her sexual orientation and small stature makes her an appealing target for criminals, particularly as she often transports firearms as a competitive shooter and firearms instructor. "I am highly qualified to defend myself against the sort of crime that the Sheriff cannot, despite his best efforts, completely eradicate," Sykes said. "Violent crime is a real risk in our society, but happily, we enjoy the right to defend ourselves from it."

Andrew Witham has over 15 years experience as a police officer in Britain, and is licensed to carry a firearm while working as a private investigator and campus public safety officer. But despite having been the target of death threats stemming from his work in security, Sheriff John McGinness saw to it that Witham's license to carry a gun while away from work was revoked upon Witham's relocation to Sacramento.

"I'm allowed to defend other people," said Witham, "so why can't I defend myself, where the Bill of Rights guarantees me that right?"

Adam Richards, a Northern California attorney, would also exercise his right to bear arms in self-defense. But the Yolo County Sheriff's policy on gun permit applications is: don't bother. "How can the Sheriff tell whether I am capable of responsibly exercising my Second Amendment rights, when he doesn't even acknowledge that these rights exist?"

Attorney Alan Gura, representing the plaintiffs in this case, said, "It's a shame that these Sheriffs don't think that self-defense is a 'good cause' to exercise the right to bear arms, but we're confident the Second Amendment reflects a better policy."

Added co-counsel Donald Kilmer, "The California carry licensing system is being abused by some officials who are hostile to self-defense rights. The police can regulate the carrying of guns, and that includes preventing dangerous people from being armed. Complete deprivation of the right to bear arms, however, is not an option under our Constitution."

"The Supreme Court's decision last year in the Heller case shows that there is both a right to keep arms and a right to bear arms," said SAF founder Alan Gottlieb. "In most states, authorities do not deny a license to carry an operable firearm to any law-abiding applicant that completes training and a background check. This is also the practice throughout much of California. These two Sheriffs must respect the constitutional rights of their citizens to bear arms."

"California is often a leader in so many ways, but our state lags badly in streamlining its firearms laws," said Gene Hoffman, Chairman of The Calguns Foundation. "We need 21st century gun laws that respect our Constitutional rights, and adopt modern, widely accepted practices that work well throughout the United States. Hopefully this action will serve as a wake-up call to our legislators, and to those officials who stubbornly resist accommodating Second Amendment rights. If they don't reform, reform will come through litigation."

The Second Amendment Foundation ([www.saf.org](http://www.saf.org)) is the nation's 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.

The Calguns Foundation ([www.calgunsfoundation.org](http://www.calgunsfoundation.org)) is a non-profit legal defense fund for California gun owners. The Calguns foundation works to educate government and the public and protect the rights of individuals to own and lawfully use firearms in California.

A copy of the [complaint](http://www.hoffmang.com/firearms/sykes/Sykes-v-McGinness-Complaint-2009-05-09.pdf) is available: <http://www.hoffmang.com/firearms/sykes/Sykes-v-McGinness-Complaint-2009-05-09.pdf>

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