



# NEWS RELEASE

## Second Amendment Foundation

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# SAF FILES AMICUS BRIEF IN NORDYKE CASE, ARGUES FOR STRICT SCRUTINY

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BELLEVUE, WA – The Second Amendment Foundation has filed an amicus curiae brief in the long-running Nordyke v. King case in California, arguing that Second Amendment issues must be decided on a “strict scrutiny” basis, and that an ordinance in Alameda County banning gun shows at the county fairgrounds is unconstitutional because it would not withstand that standard of review.

This case was a catalyst for the U.S. Supreme Court to hear SAF’s case challenging the handgun ban in Chicago, because in an earlier Nordyke ruling – subsequently set aside in favor of a full en banc hearing by the Ninth Circuit Court of Appeals – created a conflict in the circuits over Second Amendment incorporation.

SAF’s brief was written by attorney Alan Gura, who argued the landmark 2008 Heller case and represented SAF and its co-plaintiffs in the recent McDonald case, and is currently working with the foundation on other cases in Maryland, Illinois, New York and North Carolina.

Alameda County passed an ordinance more than ten years ago prohibiting the carrying of firearms on county property following a shooting at the county fair in 1998. Russell and Sallie Nordyke operated a gun show at the county fairgrounds. The shooting incident was not related to their gun show, but county officials used that as an excuse to adopt the prohibition.

“This is a very important case,” said SAF founder and Executive Vice President Alan M. Gottlieb, “because it could establish the highest standard of scrutiny to which gun laws around the country would be subjected. While gun prohibitionists were upset by the 2008 Heller ruling and demoralized by our victory this year in the McDonald case, they are terrified of a strict scrutiny standard that could be established by the Nordyke case.”

The Nordyke case’s importance, Gottlieb stated, “cannot be underestimated, or understated.”

“Strict scrutiny is the standard of review to which all constitutionally-protected fundamental civil rights must be held,” he observed. “This case has survived for more

than a decade, a fact in itself that is remarkable. We believe, in the wake of Heller and McDonald, that the Ninth Circuit must act decisively to protect the Second Amendment from willy-nilly regulation by anti-gun public officials.”

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 650,000 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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