

# State accused of stripping 2nd Amendment rights

Case is 'great example of why gun owners cannot trust government bureaucrats'

By Bob Unruh WorldNetDaily October 14, 2010

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Another **lawsuit over gun rights has been launched by the Second Amendment Foundation**, the group that won the landmark Supreme Court decision affirming that the right to bear arms applies to individual Americans. The newest lawsuit, filed on behalf of a Georgia resident who is an honorably discharged veteran from the Vietnam War, names as defendants Attorney General Eric Holder and the Federal Bureau of Investigation. It was filed in U.S. District Court for the District of Columbia on behalf of Jefferson Wayne Schrader of Cleveland, Ga. The plaintiffs are represented by attorney Alan Gura, who was successful in his Supreme Court arguments in the McDonald case out of Chicago in which the court determined the Second Amendment applies to individuals, not just to state National Guard units or others in the U.S. military. The case struck down far-reaching gun bans.

The question at hand is **whether a state, in this case Maryland, can deprive an individual of the right to possess a weapon over a misdemeanor.**

According to the Second Amendment Foundation, **it was in 1968** when Schrader, then 21, was found **guilty of misdemeanor assault and battery** relating to a fight involving a man who had previously assaulted him in Annapolis, Md.

The organization said the altercation was observed by a police officer, who arrested Schrader, then an enlisted man in the Navy, stationed in Annapolis. The man with whom he fought was in a street gang whose members had attacked him for entering their "territory," according to the complaint.

Schrader was ordered to pay a \$100 fine and \$9 court cost. He subsequently served a tour of duty in Vietnam and was eventually honorably discharged, the organization said.

**However, in 2008 and again in 2009, Schrader was denied the opportunity to receive a shotgun as a gift, or to purchase a handgun for personal protection.** He even was told by the FBI to dispose of or surrender any firearms he might have or face criminal prosecution.

"Schrader's dilemma," explained SAF Executive Vice President Alan Gottlieb, "is that until recently, Maryland law did not set forth a maximum sentence for the crime of misdemeanor assault. Because of that, he is now being treated like a felon and his gun rights have been denied.

"No fair-minded person can tolerate gun control laws being applied this way," he said. "Mr. Schrader's case is a great example of why gun owners cannot trust government bureaucrats to enforce gun laws."

The foundation, 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, was founded in 1974. It now has more than 650,000 members.

The foundation already has brought to court at least four other cases over local restrictions that it believes are precluded by the Supreme Court's latest ruling:

The organization has **sued the city of Chicago again**, this time because it adopted a requirement that gun owners spend time at shooting ranges, then banned shooting ranges. Gottlieb said, "They have crafted this new ordinance to make it virtually impossible for prospective gun owners to meet all legal requirements unless they travel outside the city for mandatory training. The new ordinance prohibits public gun ranges inside the city yet the city demands that handgun owners get at least one hour of range training time." The Second Amendment Foundation said the city's regulations are depriving citizens of their rights.

It **filed a claim against Maryland** for a man who alleges the state is violating the Second Amendment by refusing to renew his handgun permit. Raymond Woollard originally was issued a carry permit after a man broke into his home during a family event in 2002. Woollard's permit was renewed in 2005 after the defendant in the case was released from prison. But state officials now have refused to renew the permit, even though the intruder now lives some three miles from Woollard.

It **sued Westchester County, N.Y.**, because officials there were requiring residents to have a "good cause" to ask for a handgun permit. The federal lawsuit alleges the requirement conflicts with the U.S. Supreme Court ruling that the Second Amendment establishes a personal right to "keep and bear arms." Individual plaintiffs in the case are Alan Kachalsky and Christina Nikolov, both Westchester County residents whose permit applications were denied.

The earliest case to result from the McDonald decision challenged a practice in North Carolina of banning guns during "emergencies." The case claimed state statutes forbidding the carrying of firearms or ammunition when officials declare "states of emergency" are unconstitutional. Further, the plaintiffs said a state law allowing the government to prohibit the sale, purchase and possession of firearms and ammunition is unconstitutional. WND reported earlier this year when residents of King, N.C., were startled by the banishment of firearms during a "declared snow emergency."

The high court's 5-4 ruling in the first Chicago case was forecast to bring on such challenges. It flipped "the burden onto the government and legislatures to show why they need to restrict what the court has already said is an individual right," John Velleco, director of federal affairs for Gun Owners of America, told WND after the decision.

There is other action on the state level regarding gun rights. Already, eight states have adopted laws that exempt guns made, sold and kept inside the states from any federal gun regulations.

A court case already is being heard over the effort in Montana – the first state to take the step of ordering federal regulators to stay out of the state's business of regulating its citizenry's weapons.

In Wyoming, lawmakers even adopted a \$2,000 penalty for federal agents trying to enforce federal regulations against an exempted weapon.