

TWO PA MEN AT CENTER OF U.S. SUPREME COURT GUN RIGHTS RULING

The U.S. Supreme Court recently dealt a blow to gun confiscation advocates by opening the door for some people, convicted of non-violent crimes, to challenge a federal ban on their ownership of firearms.

The case involved two Pennsylvania men who were convicted of non-violent crimes who successfully challenged the ban in the Philadelphia-based 3rd U.S. Circuit Court of Appeals, according to a report posted on U.S. News & World Report's website. The U.S. Supreme Court justices let stand the lower court's ruling that uniformly denying felons—at least those whose crimes were not serious—the right to own guns violated the U.S. Constitution's Second Amendment, which protects the right to "keep and bear arms," according to the article at www.usnews.com.

The Trump administration had appealed last year's ruling, calling the 3rd Circuit Court ruling a threat to public safety. The 3rd Circuit ruling does not set a nationwide legal precedent.

The Pennsylvania men who challenged the ban, Julio Suarez of Gettysburg and Daniel Binderup of Manheim, both were convicted of non-violent misdemeanors. But the crimes carried maximum possible sentences of more than two years, falling within the definition of felony in the federal gun ban, even though neither one served jail time.

Federal law generally prohibits firearm possession by individuals convicted of a crime punishable by



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by a year or more in jail, the traditional definition of a felony. However, the law does not apply to offenses labeled as misdemeanors under state law that carry jail time of two years or less.

Binderup, who owns a plumbing business, pleaded guilty in 1998 of corrupting a minor after having a sexual affair with a 17-year-old female employee according to the article. Binderup was sentenced to three years of probation.

Suarez was convicted in Maryland in 1990 of carrying a gun without a permit. He was given a suspended jail sentence and a year of probation.

In 2013 and 2014, the men separately sued to escape the felon gun-possession prohibition. Emphasizing their non-violent offenses and

light sentences, they argued the law violates their right to keep and bear arms under the U.S. Constitution's Second Amendment.

The Philadelphia-based 3rd U.S. Circuit Court of Appeals, in an 8-7 decision, held that people may challenge the ban depending on their particular criminal conviction, and found that it was unconstitutional as applied to the two men.

Although President Trump has strongly embraced the National Rifle Association, his administration in this case was on the same side as anti-gun advocates, including the Brady Center to Prevent Gun Violence.

The administration said in court papers the appeals court ruling would force judges to make case-by-case assessments of the risks possession by convicted felons, a job for which they are ill-suited. The administration added that too many felons whose gun ownership rights were restored for various reasons have gone on to commit violent crimes.

<https://www.usnews.com/news/us/articles/2017-06-26/us-top-court-rejects-appeal-of-felon-gun-ownership-ruling>

IN SEPARATE DECISION, SUPREME COURT TURNS DOWN HIGH PROFILE GUN RIGHTS CASE

In a case with national implications, the U.S. Supreme Court recently declined to review a California law that places severe restrictions on gun-owner rights.

At issue was concealed carry, and whether a county can define “good cause” to carry a

weapon outside of one’s home as strictly as San Diego and other California counties, according to a foxnews.com article. A three-judge panel on the 9th Circuit Court of Appeals ruled 2-1 in 2014 that the policy violated the right to self-defense, but 11 judges in the same circuit later ruled 7-4 in a new hearing that the restrictions were permissible.

The nation’s highest court rejected a review of the case, *Peruta v. California*, where gun rights activists argued that a “good cause” requirement on concealed carry permits is too restrictive. A “good cause” reason must be more specific than just a general concern for wellbeing. Instead a person must list a precise fear, such as domestic violence or carrying a large amount of money.

Justices Clarence Thomas and Neil Gorsuch said the court should have reviewed the appellate ruling. Thomas said the decision not to hear the case "reflects a distressing trend: the treatment of the Second Amendment as a disfavored right."

The high court decided in 2008 that the Constitution guarantees the right to a gun, at least for self-defense at home.

But the justices have refused repeated pleas to spell out the extent of gun rights in the United States, allowing permit restrictions and assault weapons bans to remain in effect in some cities and states, although more than 40 states, including Pennsylvania, already broadly allow gun owners to be armed in public.

<http://www.foxnews.com/politics/2017/06/26/us-supreme-court-declines-to-take-up-2nd-amendment-case-look-at-california-law.html>

PA MOVES CLOSER TO ARMING TEACHERS

Following a series of Islamic and other terror attacks, the Pennsylvania State Senate recently passed a proposal that would let teachers bring their guns to school. In a 28-22 vote, the GOP-controlled Senate approved Senate Bill 383, which would allow school boards to authorize teachers and other non-police school employees to carry firearms on school property.

The bill's primary sponsor, Sen. Don White, R-Indiana, championed the measure as a way to provide an extra tool for cash-strapped schools that can't afford to hire more school police or resource officers. He stressed it was a "may" bill — meaning districts won't be forced to do it — and characterized the proposed legislation as an example of "local control at its best," according to an article on triblive.com.

"Certainly, we can pass the bill and none of the school districts in the commonwealth will implement it, and to me, that's OK," White told fellow lawmakers before the vote on the Senate floor. "However, my suspicion is that some school districts will exercise this option, particularly those in rural Pennsylvania that rely on state police for protection."

SB 383 now advances to the state House for consideration, where Gov. Wolf, a Democrat, already has voiced strong opposition to the bill and vowed to veto it.

SB 383 co-sponsor Sen. Randy Vulakovich, R-Shaler, told parents at a meeting in Fox Chapel Area School District in April that he's a "big believer that school districts can make this decision on their own."

The measure was amended twice before passage — once to strengthen training and mental health evaluation requirements for educators who want to carry guns, and once to ensure that information about school employees authorized to carry guns would be exempt from public records requests via the state's Right-to-Know Law.

Some observers in the pro-gun community are concerned about protecting the privacy of school staff who choose to carry while working. One of the provisions mandates that districts provide law enforcement with a list of names identifying armed staff members at each school, according to a guns.com report.

There's no directives on how to protect that information, however, before, during or after its disclosure — and that's a big problem for gun rights attorney, the article quotes Joshua Prince—of Prince Law Offices—as saying. "I fully support having armed school personnel in our schools," he said in an April blog post. "However, this bill suffers from many issues that appear to have never been considered."

Pennsylvania's 501 school districts are spread across more than 2,500 municipalities, two-thirds of which rely on state police coverage. Some rural school districts encompass hundreds of square miles, leading to delayed response times, according to bill sponsor Republican Sen. Don White, the article notes.

"There are thousands of armed teachers and administrators in schools across the country and there has never been an incident where they have shot the wrong person, had their weapons taken by a student, or used a weapon inappropriately," he said.

Prince told Guns.com that the bill requires school employees to possess a license to carry a firearm before the district allows them to do so at work. Although the identifying information of license holders “is confidential and not subject to disclosure,” per state law, Prince still had some concerns.

“Who is entitled within the school district to see and have access to this information?” he asks, according to the guns.com report. “Are logs to be kept of who views it and when? Is any training on the confidentiality of LTCF applicant information to be provided to school officials who have access to this information? If so, how frequently? Are logs to be kept of their training? These are all important issues that are not addressed, in any form, by the bill.”

<http://triblive.com/news/education/12452072-74/pennsylvania-senate-advances-bill-to-let-teachers-bring-guns-to-school>

<http://www.guns.com/2017/06/30/pa-bill-to-arm-teachers-raises-doubts-in-pro-gun-community/>

MEMORIZE THESE SAFETY RULES

1. Always treat all guns as though they are loaded
 2. Always keep your firearm pointed in a safe direction
 3. Always keep your finger off the trigger until you are ready to shoot
 4. Be sure of your target and what is beyond it
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QUOTABLE QUOTES

Lest I keep my complacent way I must remember somewhere out there a person died for me today. As long as there must be war, I

ask and I must answer; Was I Worth Dying For?
- *Eleanor Roosevelt*

The communist party must command all the guns, that way, no guns can ever be used to command the party.- *Mao Zedong*

People sleep peaceably in their beds at night only because rough men stand ready to do violence on their behalf. -- *Richard Grenier*

The very atmosphere of firearms anywhere and everywhere restrains evil interference - they deserve a place of honor with all that's good --
George Washington

The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed. - *Thomas Jefferson*

If you are going through Hell, keep going. –
Winston Churchill

If you'd like to contribute to this newsletter, please send your brief article to
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US Constitution 2nd Amendment

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

PA Constitution Article 1 Section 21

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”
