



Tuesday, March 31, 2020

VIA E-MAIL (city.attorney@culvercity.org)

Carol Schwab
City of Culver City – City Hall
9770 Culver Blvd.
Culver City, CA 90232

URGENT

Dear Ms. Schwab,

I write to you on behalf of Firearms Policy Coalition (“FPC”), Second Amendment Foundation (“SAF”), and their members, including individuals and supporters in Culver City, regarding the closure of and restriction upon firearms and ammunition retailers and related transactions.

As you know, in California, individuals are required to purchase and transfer firearms and ammunition through state and federally licensed dealers in face-to-face transactions or face serious criminal penalties. Forcing licensed, essential businesses to close or eliminate key services for the general public would foreclose the only lawful channel to buy, sell, and transfer firearms and ammunition available to typical, law-abiding individuals in California. Such a prohibition on the right to keep and bear arms would be irrational and categorically unconstitutional.

This past weekend, the Cybersecurity Infrastructure & Security Agency (CISA) issued an updated “Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response” dated March 28, 2020, in which the Director of CISA determined that “[w]orkers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges,” are “essential critical infrastructure workers.” (CISA Guidance online at bit.ly/cisa-guidance-2020-3-28.) As such, Culver City should refrain from including any operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges from being classified as “non-essential”.

Moreover, the Supreme Court of the United States held that the right to keep and bear arms “guarantee[s] the individual right to possess and carry” firearms and “elevates above all other interests the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *D.C. v. Heller*, 554 U.S. 570, 635 (2008). The Court continued to define the term “bear arms” to mean “wear, bear, or carry ... upon the person or in the clothing or in a pocket, for the purpose ... of being armed and ready for offensive or defensive action in a case of conflict with another person.” 554 U.S. at 584.

The Second Amendment is fully applicable to the States and local government through the Fourteenth Amendment's Due Process and Privileges or Immunities Clauses. *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010); *id.* at 805 (Thomas, J., concurring). In *McDonald*, the Court confirmed that the rights protected by the Second Amendment are "among those fundamental rights necessary to our system of ordered liberty."

In the last week, on behalf of various parties including SAF and FPC, the undersigned has filed lawsuits against the Governor of Pennsylvania, Governor of New Jersey, the Governor of California, the Sheriff of Los Angeles County, and the City of Los Angeles, among others, for acts and orders that shutter firearms retailers, ranges, and violate constitutional rights.

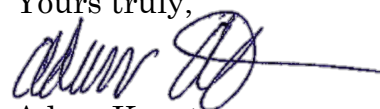
SAF and FPC are continuing to investigate and pursue legal action against governmental entities that fail to expressly exempt firearms retailers as "essential businesses" and subject them to closure or severe restrictions, thus violating their rights and the rights of individuals who would purchase constitutionally protected arms from them.

We respectfully request and demand that the City immediately cease any and all enforcement actions that restrict law-abiding adult individuals from purchasing and transferring firearms and ammunition from licensed businesses in the City. However, should the City enact and/or enforce any law, policy, practice, or custom that restricts firearm retailers and/or ranges from operating and/or infringes constitutionally guaranteed rights, FPC, SAF, and others are prepared to immediately bring legal action against the City and its enforcement officials. Earlier today we filed an application for a temporary restraining order against defendants in Los Angeles County. It would be unfortunate if we were forced to seek similar judicial relief against the City to defend the Constitution and rights of City residents.

I respectfully request that you write me at akraut@fpclaw.org before 5 p.m. PST on March 31, 2020, to confirm that the City will do the right thing and keep important firearms-related essential businesses open and operating for new sales and transfers. Please do not hesitate to contact me if you have any questions or if we can be of service to you and the City.

Thanking you for your time and consideration, I am

Yours truly,



Adam Kraut
Director of Legal Strategy
Firearms Policy Coalition

cc: Culver City Mayor Sahli-Wells
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