



“... the right of the people to keep and bear Arms, shall not be infringed.”

## EXERCISING THE RIGHT

### Supreme Court Might Rule on the Second Amendment

The *Washington Times* reported on November 26 that the recent appointment of Amy Coney Barrett to the Supreme Court has pro-gun groups optimistic about the future. Alan Gottlieb is the founder of the Second Amendment Foundation, and his organization is already preparing plaintiffs for future lawsuits. The court has declined to take up Second Amendment cases in recent years, but activists such as Gottlieb believe that Barrett’s appointment will result in the court getting involved in a case and potentially making a groundbreaking ruling. Gottlieb explained to the *Washington Times* that having Justice Barrett “on the court, we think we really have six pro-gun votes and while Roberts has obviously been reluctant to hear a case, now I don’t think he has much of a choice.... I think the court’s going to hear a case.”

Gottlieb already has filed suits, along with the Firearm Policy Coalition, in multiple states, with the long-term goal of taking their cases to the Supreme Court. This mad rush to get cases filed is based on the idea of being prepared to sue to challenge any anti-gun executive orders issued by Biden. Biden has already made it known that he plans to ban AR-15s and implement other types of excessive gun-control measures.

Professor Josh Blackman from the South Texas College of Law Houston told the *Washington Times* that it’s only a matter of time before the court gets involved and makes a major ruling: “I think Justice Barrett would push the court to take one of these cases.... [Justice] Roberts can’t be a wuss any more — he’s going to have to go along.” Blackman added that it could take years before a case makes its way up to the highest court, but it will happen.

It’s not just pro-gun groups who believe the court is going to move in this direction. Anti-gun Connecticut Senator Richard Blumenthal was quoted by the *Washington Times* as saying that with “Amy Coney Barrett’s nomination, every single gun-violence-prevention measure at every level of government is in grave peril because she will join others on that court who believe with her in this radical

agenda of striking down those measures.” While this is obviously Blumenthal being overdramatic to rile up his leftist base, Second Amendment supporters can hope it becomes a reality!

### “Pull a Gun on Somebody, Expect to Get Shot”

WPVI reported out of Philadelphia on November 30, 2020 about an attempted robbery that ended almost as quickly as it began. The incident unfolded in Northeast Philadelphia when a chicken-wing take-out restaurant was targeted by a burglar. Police detectives are still piecing together the details, but they say a 53-year-old armed suspect barged into the restaurant and yelled to the three employees that he was robbing the restaurant. Philadelphia Police Department Chief Inspector Scott Small told WPVI that the suspect “walked in, went behind the counter, announced a robbery and asked for all the money.” Before the employees could even respond to the burglar, a customer came walking into the restaurant while talking on his cellphone, completely unaware that the place was getting robbed. The robber quickly turned his attention from the employees to the customer, pointed his gun at the customer, and ordered him to hand over his cellphone. Instead of complying, the customer pulled out his own handgun and fired it at the suspect, mortally wounding the man by shooting him in the neck. A call went out to 911, and authorities soon arrived, but the suspect was dead.

The armed customer was lawfully licensed to carry his firearm and cooperated with the police. Department Chief Inspector Small told WPVI that police have the customer’s gun and “we know that’s [sic] just one shot was fired from that customer because we found one spent shell casing on the floor on the customer side of the counter.”

The story quickly gained attention in the area, and members of the community praised the fast-acting customer for stopping the criminal dead in his tracks. Marius Maiellano told WPVI that the “guy that was robbing the place deserved what he

got, in my opinion.... Pull a gun on somebody, expect to get shot.”

### Ohioans Seek to End the “Duty to Retreat”

The *Cincinnati Enquirer* reported on December 8 about Republicans in the State Senate seeking to amend Ohio self-defense laws to eliminate the requirement for a person to retreat before shooting in self-defense. Senate Bill 383 is directed toward using force in self-defense or the defense of another person or defense of certain property. The proposed legislation would strengthen the right to self-defense. No longer would a person using deadly force in self-defense first be required to try to escape the threat before using deadly force. Supporters of armed self-defense have successfully gotten 27 other states to eliminate the duty to retreat before firing a gun in self-defense. These legal changes have popularly been referred to as “stand your ground” laws.

Dean Rieck, the executive director of the Buckeye Firearms Association, told senators, “I have this right in my home. I have this right in my vehicle. But for some reason, Ohio removes this right in all other locations.”

Other gun-rights proponents testified about how this change is needed. Judi Phelps, owner of On Guard Defense in southeastern Ohio, told senators that there “is no time or opportunity to escape when evil is bearing down on us.” There is a similar bill being reviewed in the Ohio House of Representatives, which is also under Republican control. Republican lawmakers in the state senate already passed two laws that were supportive of the Second Amendment, but neither law has yet passed in the House. If pro-Second Amendment grassroots activists keep up the pressure, there might be enough votes to get these bills before the governor. The governor, Mike DeWine, is also a Republican, but he previously advocated for gun control after a high-profile shooting in his state, so he could always disappoint and veto the bills. ■

— PATRICK KREY