



## **Cato Institute Files Brief Supporting Lawsuit Challenging Special Gun Privileges**

April 10, 2017

Today, the Washington, D.C.-based Cato Institute filed an amicus (“friend of the court”) brief with the Ninth Circuit Court of Appeals in *Ulises Garcia, et al. v. California Attorney General Xavier Becerra*, a federal civil rights lawsuit challenging the State of California’s special statutory exemptions to gun laws for retired law enforcement officers as a violation of the 14th Amendment’s Equal Protection Clause.

The Cato Institute’s brief, authored by legal scholars Ilya Shapiro—a senior fellow in constitutional studies and editor-in-chief of the *Cato Supreme Court Review*—and Thomas Berry—a legal associate in the Cato Institute’s Center for Constitutional Studies and graduate of Stanford Law School—argues that:

“In this case, an examination of the full factual circumstances proves fatal to the differing treatment contained in the amendment. Both the effects of the amendment itself and the history of lobbying from which the differing treatment arose show that no serious policy concern was on the minds of legislators. Instead, the amendment was enacted purely to advantage one politically powerful class at the advantage of a less powerful and less popular class. Such a motivation is impermissible under the Equal Protection Clause, and for that reason the differing treatment contained in the amendment must be struck down.”

“We are very grateful to the Cato Institute, Mr. Shapiro, and Mr. Berry for their excellent brief in support of this case,” said Craig DeLuz, an individual plaintiff in the case and a spokesperson for the appellants. “We cannot thank them enough for their hard work and tireless efforts to promote individual liberty.”

The case was filed after California enacted Senate Bill 707 (SB 707) in 2015, which was originally written to eliminate all civilian exemptions to the Gun-Free School Zone Act—including those for both retired law enforcement officers and CCW licensees—but was later amended to re-include the exemption for government retirees following significant lobbying by law enforcement associations and government employee special interest groups.

Civil rights groups Firearms Policy Coalition, Firearms Policy Foundation, The Calguns Foundation, and Madison Society Foundation are organizational plaintiffs in the lawsuit.

Key filings, including the Cato Institute’s amicus brief, can be viewed or downloaded at [www.firearmsfoundation.org/sb707](http://www.firearmsfoundation.org/sb707).