



Gun Owners Backed by Trump Seek High Court Win Before 2020 Vote

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November 29, 2019

Gun-rights advocates backed by President Donald Trump hope a U.S. Supreme Court clash over New York City restrictions on transporting firearms will be the Second Amendment victory they've been seeking for a decade.

With a conservative majority strengthened by two Trump appointees, the court on Monday will hear a case that could produce its first ruling bolstering gun rights since 2010. Its decision probably will come in June in the heat of the presidential campaign.

Three New York City residents say the rules forced them to stop attending shooting competitions and taking licensed handguns to a second home.

There's just one problem: The restrictions no longer exist.

Faced with a showdown before what probably will be a skeptical court, the city and state have scrapped the strict handgun-transportation rules -- and asked the justices to toss out the case without issuing a ruling. City officials are seeking to head off an opinion that could threaten other gun regulations nationwide.

"Any time liberals keep a case out of the Supreme Court, it's a cause for a sigh of relief for them," said Adam Winkler, a professor at UCLA Law School who wrote a book on the fight over the Second Amendment. "The court is not on their side."

The New York State Rifle & Pistol Association, an affiliate of the National Rifle Association, is joining the three men in pressing the appeal.

New York's supporters include Everytown for Gun Safety, an advocacy group founded by Michael Bloomberg, who is the founder and majority owner of Bloomberg LP, the parent company of Bloomberg News. Bloomberg, who is seeking the Democratic nomination for president, was mayor of New York from 2002 to 2013.

Under the New York City rules, put in place in 2001, people with a licensed handgun at home were allowed to take it to one of seven shooting ranges in the city but almost nowhere else. Weapons had to be locked and unloaded during travel, and ammunition had to be put in a separate container.

Shooting Competition

Trump's top Supreme Court lawyer, Solicitor General Noel Francisco, said in court papers that the restrictions undermined the constitutional right to have a handgun in a house or apartment for self-protection.

"Few laws in the history of our nation, or even in contemporary times, have come close to such a sweeping prohibition on the transportation of arms," Francisco argued.

The three gun owners say they sued after the organizers of a 2012 New Jersey shooting competition said New Yorkers couldn't take part because they couldn't legally bring their handguns. The residents say competitions give them a chance to improve their shooting proficiency.

One of the three, Staten Island resident Romolo Colantone, also says he's had to stop taking his handgun to his second home in Hancock, New York, in the Catskill Mountains region.

"The Colantone Hancock house is located in a remote area, and as such presents a threat to the safety of myself and my family while there," Colantone said in a sworn statement in 2013.

The city contends that the residents have adequate opportunities to train within New York City. The gun owners "did not argue, let alone offer any evidence, that the rule meaningfully impaired their ability to train," New York City Corporation Counsel Zachary Carter argued.

Rules Scrapped

City officials also say Colantone can apply for a license to keep a handgun in his Catskills home.

A federal appeals court upheld the restrictions, saying New Yorkers could go to local shooting ranges, use rented weapons at out-of-town facilities, and acquire additional weapons for second homes.

But the city's best chance may be that the Supreme Court will conclude the case has become moot. After the justices accepted the case in January, the city amended its regulations to let licensed handgun owners transport their weapons to second homes and shooting ranges outside the five boroughs. The state reinforced that change by amending its handgun licensing statute.

"Once the Supreme Court took the case, those who favor gun control didn't want the Supreme Court to rule," said Ilya Shapiro, a lawyer at the libertarian Cato Institute who filed a brief backing the gun owners.

The city told the court that the residents now have "everything they have sought in this lawsuit."

Gun-rights advocates say even the revised regulations are problematic, forbidding a handgun owner from stopping on the way out of town, requiring written permission to take a weapon to a gunsmith, and precluding transport to a summer rental house. The residents urged the Supreme Court not to reward New York's "undisguised effort to avoid a precedent-setting loss."

Political Fight

The mootness fight has taken on political dimensions. In August, Democratic Senator Sheldon Whitehouse of Rhode Island and four colleagues filed an unusually pointed brief that said the court would be undermining its own legitimacy if it ruled in the case.

The Democrats' brief pointed to the millions of dollars spent by outside groups on recent Supreme Court battles. Trump's two appointees, Neil Gorsuch and Brett Kavanaugh, were confirmed in the Senate on nearly party-line votes.

"To stem the growing public belief that its decisions are motivated mainly by politics, the court should decline invitations like this to engage in 'projects,'" the Democrats argued, highlighting a word the challengers used in one of their court filings.

Whitehouse's brief provoked an equally sharp response from Senate Majority Leader Mitch McConnell of Kentucky and his Republican colleagues. They told the justices to "stand firm" and "not be cowed by the threats of opportunistic politicians."

Trump has had strong support from gun owners and the National Rifle Association since his 2016 campaign. He has occasionally stated support for expanded background checks -- particularly when mass shootings lead to a public outcry -- but later backed off, expressing doubt they would be effective in curbing gun violence.

The administration is urging the Supreme Court to decide the case, telling the justices the dispute is still meaningful because residents could seek damages.

The court has hinted it may want to rule. In October, the justices refused to dismiss the case as moot but said they would revisit the issue at the argument.

Decade of Waiting

The court hasn't heard a Second Amendment case since it threw out a Chicago handgun ban in 2010. That followed a 2008 decision that for the first time said the Constitution protects individual gun rights. Since then, the court repeatedly rejected gun-rights appeals before agreeing to take up the New York fight.

Should the court dismiss the New York case, other appeals are pending, and the justices could quickly schedule one of them for the nine-month term that starts in October 2020.

"If they do decide that it's moot, they'll have further opportunities," Shapiro said. "It's not the end of the world for proponents of the Second Amendment if indeed the case is mooted out."

One of those appeals is a New Jersey case that could determine whether people have a constitutional right to carry a loaded handgun in public. New Jersey is one of seven states, including California and New York, that bar most people from carrying weapons in public. Federal appeals courts are divided on the issue.

"It's only a matter of time before the Supreme Court steps in and addresses the scope of the Second Amendment," Winkler said.