



**\*\* FOR IMMEDIATE RELEASE \*\***

## **U.S. Supreme Court Urged to Reverse 9<sup>th</sup> Circuit Gun Control Ruling**

WASHINGTON, D.C. (December 20, 2017) – Today, plaintiffs in a long-running Second Amendment lawsuit challenging the State of California’s 10-day “waiting period laws” for firearm transfers have filed a brief at the United States Supreme Court urging the Justices to take up the case or issue a summary reversal of the 9<sup>th</sup> Circuit’s decision.

The case, captioned *Jeff Silvester, et al. v. California Attorney General Xavier Becerra*, seeks to overturn a Ninth Circuit Court of Appeals decision and clarify the standards that all lower courts should use when reviewing Second Amendment lawsuits. Since the Supreme Court’s landmark *McDonald v. Chicago* decision, state and federal courts throughout the country have used wildly different approaches in scrutinizing laws that burden or eliminate the right to keep and bear arms.

The Plaintiffs and Petitioners’ reply brief, authored by Supreme Court and appellate attorney Erik. S. Jaffe of Washington, D.C., opens by pulling no punches: “After a waiver, a [call for response], and an extension of time, the [State’s] Brief in Opposition illustrates perfectly the contempt into which the Ninth Circuit has brought this Court’s precedents. A candid response would have confessed error and moved on. The response filed by the California Attorney General instead demonstrates a near complete lack of concern for precedent, procedure, or the risk of correction by this Court.”

The brief goes on to draw a comparison with the Hans Christian Anderson classic novel *The Emperor’s New Clothes*. “In the Ninth Circuit, the government no longer bears the burden of proof as a practical matter, speculation and conjecture now trump a trial court’s thorough and detailed findings of fact, and, we are told, the government deserves deference regarding legislative and social ‘facts’ even where there is no evidence that it reviewed or considered such supposed facts....We can either go along with the fiction of constitutional scrutiny – what lovely garments you have, oh west-coast emperors – or we can candidly acknowledge that the imperial Ninth Circuit has no constitutional clothes.”

“If the Supreme Court were to allow the Ninth Circuit to continue ignoring its precedents and abandoning longstanding principles of law, then a real crisis of confidence in the integrity of the courts may yet be on the horizon,” said Brandon Combs, an individual plaintiff in the case as well as the executive director of institutional plaintiff The Calguns Foundation. “We are cautiously optimistic that the Supreme Court will use this excellent case as a vehicle to re-establish order among the nation’s lower courts and remind them that the Second Amendment is not a second-class right.”

“On behalf of all of us at The Calguns Foundation, we want to thank our supporters for their generosity in seeing this case all way through this Supreme Court briefing, the amici who invested time and treasure in their own briefs, and especially lead plaintiff Jeff Silvester,” commented CGF Chairman Gene Hoffman. “Jeff has not only been a perfect plaintiff, he has showed the courage of millions of California gun owners unwilling to give up.”

The case is scheduled to be considered during the Court’s January 5 conference. A copy of the *Silvester* petition and briefing can be viewed or downloaded at <https://www.calgunsfoundation.org/silvester>.

**The Calguns Foundation** ([www.calgunsfoundation.org](http://www.calgunsfoundation.org)) is a 501(c)3 non-profit organization that serves its members, supporters, and the public through educational, cultural, and judicial efforts to advance Second Amendment and related civil rights.

**Second Amendment Foundation** ([www.saf.org](http://www.saf.org)) is the nation's oldest and largest tax-exempt education, research, publishing and legal action group focusing on the Constitutional right and heritage to privately own and possess firearms. Founded in 1974, The Foundation has grown to more than 650,000 members and supporters and conducts many programs designed to better inform the public about the consequences of gun control.

**Attorney Erik S. Jaffe** ([www.esjpc.com](http://www.esjpc.com)) is a 1990 graduate of the Columbia University School of Law and was a law clerk to Judge Douglas H. Ginsburg of the United States Court of Appeals for the District of Columbia Circuit from 1990 to 1991. Following that clerkship, he spent five years in litigation practice with the Washington, D.C. law firm of Williams & Connolly. In the summer of 1996 he left Williams & Connolly to clerk for Supreme Court Justice Clarence Thomas. At the end of that clerkship he started his own practice, and has been a sole practitioner since 1997. Mr. Jaffe has been involved in over 100 Supreme Court matters, including filing 30 cert. petitions, representing half-a-dozen parties on the merits, and filing over 60 amicus briefs at both the cert. and merits stages.

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