



Exercising The Right

Judge Stands Against Lockdown Measures

The Associated Press reported on April 27 that a Virginia state judge issued a temporary injunction that allowed a gun range to remain open despite Governor Ralph Northam's executive order requiring its closure. In his opinion, Lynchburg Circuit Judge F. Patrick Yeatts stated that the governor had overstepped his authority under the state's emergency power legislation. Yeatts wrote that "the Governor appears to argue that, when he declares a state of emergency, he can ignore any law that limits his power, even laws designed to limit his powers in a state of emergency." Yeatts further wrote that "during an emergency, the governor is given great deference, but [the statute] specifically limits his authority in relation to the right to keep and bear arms.... The purpose of the right is to have a population trained with firearms in order to defend the Commonwealth.... Proper training and practice at a range ... is fundamental to the right to keep and bear arms.... The Court understands the Governor's desire to protect the citizens of our great commonwealth.... But in taking steps to stop the spread of COVID-19, he took a step beyond what is allowed."

This court decision was a result of a lawsuit by SafeSide gun range in Lynchburg, Virginia, that challenged Governor Northam's executive order that deemed gun ranges as nonessential. SafeSide gun range was also joined in its lawsuit by the Gun Owners of America, the Virginia Citizens Defense League, and the Association of Virginia Gun Ranges.

Democratic Attorney General Mark Herring argued on the governor's behalf that the measure that closed gun ranges was necessary "to protect public safety." Herring was disappointed by the judge's ruling and said that he still supported the governor's actions. "Governor Northam's efforts to save lives and slow the spread of COVID-19 are necessary and proving to be effective, but unfortunately, the gun lobby believes the ability to shoot a gun indoors during this pandemic is worth risking further spread of the virus and making Virginia communities and families less safe," Herring wrote in a prepared statement.

Governor Northam also held a press conference, where he said he was exploring all of his legal options to get the injunction overturned, and he reiterated that his goal is still to "promote and protect the health and safety of Virginians.... No particular business has been singled out." Yeatts' order only applied to the SafeSide Lynchburg facility, but Philip Van Cleave, president of the Virginia Citizens Defense League, said his organization is still consulting with counsel about how to get similar legal protections for other gun ranges.

Open Carry Suspended in Jackson, Mississippi

While the preceding story might give gun owners hope, this story is a sad reminder that we need to be vigilant about the gun-grabbing actions of politicians who seek to use tragedies to steal our hard-won rights. WJTV reported on April 25 out of Mississippi that City of Jackson Mayor Chokwe Antar Lumumba issued an executive order that suspended the right of city residents to open carry their firearms within city limits. Mayor Lumumba rationalized the order by referencing recent shootings in which a five-year-old and an 11-year-old were killed, but Lumumba never addressed whether these shootings involved legal gun owners, nor was there any evidence that open-carry laws had any impact whatsoever in the



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crimes. But Lumumba seems oblivious to the fact that criminals don't comply with legal orders, which then have the effect of only restricting law-abiding citizens.

It is clear that, even in Jackson, criminals ignore laws: April was the deadliest month in the city's history, due to all of the criminal violence despite the fact that Mayor Lumumba issued a stay-at-home order for the entire month. WLBT reported that 14 people were killed during the month of April, which is the highest number based on Jackson Police Department reports compiled since 2016 and FBI records dating back 40 years before that. Criminals are simply ignoring Mayor Lumumba.

The Mississippi *Clarion Ledger* reported on April 27 that Republican Attorney General Lynn Fitch criticized Lumumba's order and said that "cities can't usurp the authority of the state's elected Legislature and violate the constitutional rights of the people. I support the 2nd Amendment and will enforce the laws of this state.... I have serious concerns about the order and the burden it imposes upon Mississippians' constitutional right to possess firearms."

While Mayor Lumumba's order might be temporary, he called for a repeal of the state's open-carry law and argued that the fatalities caused by the inner-city shootings "could have been avoided if we had state law that enabled us to better control the presence of firearms on our streets." Lumumba explained his reasoning, saying that police were able to more easily stop suspected criminals and confiscate their guns prior to the implementation of the open-carry law, but he provided no actual evidence to support this claim. Lumumba stated in his video message that "prior to the open-carry law, when Jackson officers saw a gun in plain view, it gave them the probable cause to seize the weapon and determine whether it was an illegal weapon or not. The open-carry law not only provides protection to individuals who are armed with illegal weapons, it creates an atmosphere of fear and intimidation in the community. We cannot continue to turn a blind eye to the fact that the open-carry law has led an increase in gun violence into our communities."

Lumumba then encouraged his supporters to sign a petition that demands the repeal of the state law permitting open carry. "While this order will only be in effect for a short period of time, I am calling on all Jackson residents, and all state and local leaders to act in the interest of our innocent children. Repeal the open-carry law which makes it impossible for law enforcement to root out illegal firearms on our streets. How many babies do we have to bury to appease someone's desire to open carry?"

The mayor's move might have been one planned to generate interest and hopefully go viral, but as of the writing of this column, the petition only had a little over a hundred signatures, despite the fact that Jackson has nearly 165,000 residents and there are almost three million people living in Mississippi.

— Patrick Krey



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