



Written by [Bob Adelman](#) on October 17, 2024

Gun Groups Challenge Los Angeles Over Ban on Vacationers Carrying Firearms

Four pro-Second Amendment groups — the California Rifle & Pistol Association (CRPA), the Second Amendment Law Center (SALC), the Second Amendment Foundation (SAF), and the Minnesota Gun Owners Caucus (MGOC) — [filed a brief on Tuesday](#) with the 9th Circuit Court of Appeals supporting Gary Matthews' claim against Los Angeles.

Matthews' "Crime"

Matthews, a citizen of Tennessee who possessed a permit from his home state to carry concealed, was ticketed by the Los Angeles Police Department for a traffic violation while traveling in the city in 2019. While ticketing, officers found a handgun in the passenger's side door pocket and arrested him for violating the city's law prohibiting out of state travelers from possessing a firearm. It didn't matter that Matthews had a license to carry concealed from Tennessee. Nor did it matter that Matthews is part of a cohort of Americans who have the lowest propensity to commit a crime. California doesn't recognize out-of-state CCW (Concealed Carry Weapon) licenses.



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What makes the case significant is that even if Matthews had tried to apply for a CCW license in Los Angeles, he would have been denied one. The chief of police doesn't issue them.

The Lawsuit

Matthews filed a suit against the city for violating his Second Amendment rights.

From the brief:

This case is simple.

No historical tradition supports California's modern requirement that peaceable nonresidents — who are already permitted to carry firearms in their home states — submit to a burdensome process to obtain a California license to carry ("CCW permit") if they wish to exercise their Second Amendment rights while visiting or passing through the state.

On the contrary, laws historically exempted travelers from such local restrictions on their right to defend themselves while traveling.



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Los Angeles is one of those cities that used to give travelers a pass, along with the cities of Oakland and Sacramento. But no longer. Anti-gun politicians, in their zeal to restrict Americans' rights in the name of "reducing gun violence" but unwilling to address the real issue of criminals carrying out that violence, long ago erased such passes.

Even if Matthews knew he was coming to California well in advance of his trip, efforts to obtain a California-issued CCW would have proved impossible. The restrictions are beyond ridiculous.

- He would have to show that he was in the state regularly as part of his occupation.
- He would have to pay hundreds of dollars in fees for a two-year license.
- He would have to show attendance of 16 hours of classroom and range training given by a California-approved trainer.

And even then, his application would have been denied by the anti-gun LA chief of police.

The brief reminded the liberal 9th Circuit that both *Bruen* ([New York State Rifle & Pistol Association, Inc. v. Bruen](#)) and the more recent decision in *Rahimi* ([United States v. Rahimi](#)) clarified and expanded the demands for a local government to show that such restrictions are in the historical tradition of such laws.

From the two decisions:

The government must ... justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.... [The government must produce evidence of] a *well-established and representative* historical analogue ... [showing] an *enduring* American tradition of state regulation. [Emphasis added.]

Travelers Exceptions

The brief reminded the 9th Circuit of the long history of cities and states allowing "travelers exceptions" — dating back to the Colonial era. It also reminded the appeals court that those with state-issued CCWs constitute the most careful, prudent citizens. They are among the most extraordinarily law-abiding group of citizens in the country. Any argument Los Angeles attorneys might make about "more guns equal more crime" or other such canard simply won't wash. As the brief noted:

Visitors like Mr. Matthews who have CCW permits issued by other states are not a danger to the city of Los Angeles. His arrest was as unjustified on public safety grounds as it was unjustified on constitutional grounds.

It concluded:

For these reasons, Amici urge this Court to reverse the district court and allow Appellants [i.e., Matthews and two other out-of-state citizens who also got caught in the LAPD web while traveling through the Golden State] to continue to pursue their claims against the City for their unconstitutional arrests that violated their Second Amendment rights.

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