



Written by [James Heiser](#) on October 31, 2009

Lawsuit Filed Against Seattle Gun-ban Rule

In a recent test case in New Jersey regarding the right of citizens to keep and bear arms, an appeals court judge maintained that a fundamental right guaranteed under the U.S. Constitution apparently does not apply in the Garden State. Specifically, the court concluded that Americans have no right to buy a handgun. Now the mayor of Seattle thinks that this same fundamental right to keep and bear arms does not apply in Emerald City.



According to a story at CBSNews.com (["Seattle Sued Over Mayor's Anti-Gun Rules"](#)), Seattle's mayor, Democrat Greg Nickels, is allegedly attempting to circumvent the Washington State's preemption law. Preemption laws are adopted at the state level in many states to prevent local governments from enacting local gun laws that could prove confusing to residents. According to CBSNews:

Here's the background: the Washington state legislature has, with very few exceptions, instructed cities and municipalities that they shall not regulate firearms because state laws are sufficient. The relevant law says: "The state of Washington hereby fully occupies and preempts the entire field of firearms regulation within the boundaries of the state.... Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to firearms that are specifically authorized by state law."

Nevertheless, Seattle mayor Greg Nickels, a Democrat, signed an executive order last year directing government agencies to ban guns — except, of course, for police — from city property. A more detailed list published last month says that firearms will be banned from parks, golf courses, beaches, playgrounds, athletic fields, and so on. The final rule was signed on October 14.

Nickels allowed no exceptions for law-abiding Washington state residents who have undergone background checks and obtained permits to carry concealed weapons. There are no specific criminal penalties for violating Seattle's regulations, but violations would be treated as trespassing and residents are urged to call 911 if they spot one of their fellow citizens who may be armed.

That's right: Call the already overburdened Seattle police to report on your law-abiding neighbors for violating an ostensibly unsustainable mayoral decree.

Such convoluted regulations have a chilling effect because law-abiding citizens are afraid to carry firearms lest they fall afoul of Nickels' *diktat*. Of course, the "executive order" will be ignored — along with all other gun laws — by the criminal element, who will now presumably find themselves with even



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greater liberty to trouble the citizens of Seattle now that the mayor has done his worst to deprive the people of legal rights which have been upheld by the State legislature. The irony of the situation is that a mayor wants to make his will the law of the city, even as he allegedly scoffs at the law of the state. What example does that set for the people of Seattle?

Meanwhile, the Bellevue, Washington-based [Second Amendment Foundation](#) has filed suit against the mayor. According to CBSNews.com:

The SAF has enlisted six state residents as plaintiffs, including two Department of Corrections employees who live or work in Seattle, are licensed to carry handguns, and say they have legitimate fears about "retaliation from people" encountered at work. Two other plaintiffs are active in the local gay community (Ray Carter co-chaired Seattle's pride parade in the 1990s).

An unusual aspect of the case, and one reason the SAF stands a good chance of winning, is that the Washington attorney general has already weighed in with an 11-page analysis saying Seattle's regulations are completely illegal.

The analysis, written in October 2008, says that state law "preempts a city's authority to enact local laws that prohibit possession of firearms on city property or in city-owned facilities." Note this isn't a constitutional challenge, so there's no need for the King County, Wash. superior court to wait and see how the U.S. Supreme Court disposes of the McDonald v. Chicago case.

With Second Amendment liberties under assault around the nation, the unilateral action of a "lame duck" mayor highlights the needs for Americans to remain active and alert to such threats to their freedom.

Photo of Mayor Greg Nickels: AP Images



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