



Written by [Bob Adelman](#) on March 8, 2023

Second Amendment Foundation Doubles Down on Opposition to NY Gun Law

Ever since the Supreme Court ruled against *New York in New York State Rifle & Pistol Association v. Bruen* - aka "Bruen" - last summer, anti-gun, anti-freedom, anti-Second Amendment politicians in Albany have attempted to cast new and clever ways to work around that decision.

According to Gothamist, [as of December 30, 2022](#), possession of firearms by private citizens in the Empire State is prohibited in:

- Federal, state, and local government buildings;
- Health care facilities (including behavioral health and chemical dependency);
- Libraries, public playgrounds, public parks and zoos;
- Childcare facilities;
- Nursery schools, preschools and summer camps;
- Programs for people with developmental disabilities, addiction and mental illness;
- Homeless shelters, domestic violence shelters and emergency shelters;
- Programs funded by the Office of Temporary and Disability Assistance;
- Schools and colleges;
- Public transportation, airports, train stations and bus terminals;
- Places with licenses for alcohol and cannabis consumption;
- Places of worship;
- Spaces where crowds gather for performances, entertainment, gaming or sports, including theaters, stadiums, conference centers and amusement parks;
- Polling places;
- Public sidewalks or other public areas that have been blocked off for a limited time or for special events;
- Protests; and
- Times Square.



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And, just to make sure that law-abiding gun owners get the message, possession is also prohibited on private property unless the owner of that property has prominently posted permission to do so.

Back in September, Brett Christian, a law-abiding gun owner who also had a concealed-carry permit,



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[filed suit](#), claiming that New York's new law was unconstitutional.

U.S. District Judge John L. Sinatra, a Trump appointee, shredded the attempt by lawyers for the state to justify the outrageous infringement of Christian's rights in his decision:

[New York] argues that private property owners have always had the right to exclude others from their property and [therefore] may exclude those carrying concealed handguns. But that right has always been one belonging to the private property owner — not to the State....

Property owners indeed have the right to exclude. But the state may not unilaterally exercise that right and, thereby, interfere with the Second Amendment rights of law-abiding citizens who seek to carry for self-defense outside of their own homes.

He issued a temporary restraining order (TRO). The state appealed. The Second Amendment Foundation (SAF) [entered with its plea to make the TRO permanent](#):

Following its loss in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, , the State of New York enacted a sweeping series of restrictions on the right to carry firearms that together rid the right to carry of much of its practical utility.

At issue in this appeal is one particularly pernicious part of the State's law — the State's decree that it is criminal to carry firearms on every parcel of private property throughout the State, including private property open to the public, absent the express consent of the owner or lessee of the property.

Far from being "consistent with this Nation's historical tradition of firearm regulation," New York's Anti-Carry Default is unprecedented in the Nation's 246-year history, and the district court properly ordered it preliminarily enjoined.

According to SAF, all private property (i.e., most of the state of New York) is now considered to be a "restricted location" under the new law, hence the name "Anti-Carry Default."

Said Alan Gottlieb, the founder and executive VP of SAF, "The restriction is absurd. Brett Christian's dilemma exemplifies the problem, and the very real threat of prosecution, all of our New York State members now face under this new law. Christian and others like him can't even legally carry at a gas station or a hardware store." Gottlieb continued,

The case for freedom from the latest attempt at infringing Second Amendment rights in New York was clearly spelled out in Christian's November lawsuit:

The Supreme Court's cases addressing the individual's right to keep and bear arms — from *Heller* and *McDonald* to its June 2022 decision in *Bruen* — dictate that New York's private property exclusion is equally unconstitutional.

Regulation in this area is permissible only if the government demonstrates that the current enactment is consistent with the Nation's historical tradition of sufficiently analogous regulations.

... New York fails that test.



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It cannot be reiterated too often: But for the appointment of constitutionalist judges such as Sinatra by Donald Trump, New York gun owners — nay, gun owners across the land — would see their precious Second Amendment rights abridged, denigrated, and denied. Thanks to Trump’s determination to nominate “originalists” to both the high court and inferior courts across the country, gun owners such as Brett Christian will retain their Second Amendment rights, even in the face of anti-gun, anti-freedom, anti-Second Amendment politicians infesting the legislatures of states such as New York.

For readers concerned about the other infringements in the new law as outlined above, nearly a dozen other lawsuits contesting them have already been filed, with similar outcomes expected.



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