

PLEASE POST THIS COMMENT WITH CITY COUNCIL PUBLIC MEETING AGENDA OF 08/16/2022

To: Mayor Chirico of City of Naperville (IL) and City Council Members Hinterlong, Gustin, White, Kelly, Sullivan, Holzauer, Leong and Taylor From: Voters Issues USA (DuPage Chapter), P.O. Box 709, Wheaton, IL 60187 Date: August 13, 2022 (all dates below are 2022 unless otherwise designated)

RE: **VOTE NO** File # 22-0963-08/16/2022 Proposed "Assault Rifle Ordinance" **VOTE NO**

THANK YOU-We'd like to think our 7/15 memo helped you to not include in your 8/12 "draft" ordinance version your prior (7/13-14) "draft" ordinance version's unconstitutional proposed ban on firearm magazines of over 10 rounds of ammunition and semi-automatic pistols. But, your 8/12 version you are voting on also violates the U.S. Constitution by seeking to ban the sale of what you call "assault rifles" that you describe by listing features, by acronym (such as AR-15) and by manufacturer and model.

WHY SO? **A1**-Federal trial Judge Moore applied the SCOTUS 6/23 Bruen case "text & history" test (decision authored by Justice Thomas) in his overruling 7/22 an assault weapons ban, summarized in the printout we earlier sent you: chicago.suntimes.com/columnists/2022/8/3/23290506/democrats-dont-care-whether-banning-assault-weapons-is-constitutional-column-jacob-sullum **A2**-Moreover, SCOTUS 6/30 order in *Bianchi v. Frosh* (# 21-902) vacated (voided) the federal appeals court (4th Circuit 9/17/21 #21-1255) approval of the State of Maryland "assault weapons" ban. **THUS:** (i)-All lower federal court cases you cite in Par. 17 are outdated (2011, 2015, 2015, and 2017) and superseded as overruled by SCOTUS 6/23/22 Bruen case and its judgment in *Bianchi v. Frosh* overruling the Maryland ban. E.G., 4th Circuit's 2017 *Kolbe v. Hogan* case upholding the Maryland ban and 7th Circuit's 2015 *Friedman v. Highland Park* case upholding its municipal ban have been overruled by *NYSRA v. Bruen* (6/23) **AND** *Bianchi v. Frosh* (6/30), which makes your 8/12 proposed City of Naperville ordinance void immediately upon passage and thus not enforceable; **AND** (ii) Justice Thomas' opined in the *Friedman v. Highland Park* case(#15-133), at 577 U.S. p. 1042) reaching SCOTUS on 12/7/2015:

"The question under *Heller* is not whether citizens have adequate alternatives available for self-defense. Rather, *Heller* asks whether the law bans types of firearms commonly used for a lawful purpose—regardless of whether alternatives exist. 554 U. S., at 627–629. And *Heller* draws a distinction between such firearms and weapons specially adapted to unlawful uses and not in common use, such as sawed-off shotguns. *Id.*, at 624–625. The City's ban is thus highly suspect because it broadly prohibits common semiautomatic firearms used for lawful purposes. Roughly five million Americans own AR-style semiautomatic rifles. See 784 F. 3d, at 415, n. 3. The overwhelming majority of citizens who own and use such rifles do so for lawful purposes, including self-defense and target shooting. See *ibid.* Under our precedents, that is all that is needed for citizens to have a right under the Second Amendment to keep such weapons. See *McDonald*, 561 U. S., at 767–768; *Heller, supra*, at 628–629."

So, all existing and proposed AR-15 style rifles (so-called "assault weapons") bans became void and not enforceable not later than June 30, 2022 under SCOTUS 6/23 test in Bruen and 6/30 Bianchi v. Frosh judgment specifically overruling the State of Maryland ban. This includes passage by only one of two needed legislative bodies, such as the "federal void on passage" U.S. House 7/29/22 Bill 1808 voted 417 to 413 (which won't pass the U.S. Senate so it will not become a federal law). This includes the other six "existing state voided" state law bans and any "state void on passage" state law bans planned (such as IL). This includes the "county void on passage" 8/9/22 Lake County (IL) Board Resolution "in support" of a federal or state ban. This includes (existing municipal voided) Deerfield (IL) ordinance ban. [Ask yourself why the 7/4 Awake 47 accused has not been charged with a violation of the Highland Park bans? Answer: Because the Highland Park bans ordinance became void and unenforceable not later than 6/30/22!]

B1-Your argument of exclusion of "commercial sale regulation" from the IL 2013 FOID 10-day window permission to ban is moot since that state law permission was overruled by Bruen and Bianchi. **B2a**- You admit in Par. 23 you did not pass a ban during the window so you can't do so now. **B2b**-A "commercial sales ban" is not permitted under Bruen and Bianchi as it logically bans the right to possess and own. **C**-Your enforcement provision violates the U.S. Constitution takings clause and due process clause.

VOTE NO: YOU ARE REQUIRED BY YOUR OATH TO SUPPORT THE U.S. CONSTITUTION TO VOTE "NO" TO YOUR PROPOSED 8/12 "ASSAULT RIFLE BAN" ORDINANCE. IF YOU VOTE "YES", YOU VIOLATED THE CIVIL RIGHTS UNDER 42 U.S. CODE SECT. 1983 OF ANY PERSON WHO SEEKS TO BUY AN AR-15 STYLE RIFLE OR ANY SIMILAR FIREARM DETAILED IN YOUR LIST, FROM ANY FIREARMS SALES SHOP WITHIN THE CITY OF NAPERVILLE AND YOU ARE PERSONALLY LIABLE FOR DAMAGES AND LARGE LEGAL FEES (\$15,000 plus) FOR YOUR DEFENSE.