



For Immediate Release

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### **United States Supreme Court Refuses to Hear Second Amendment Challenge to California's Assault Weapon Ban**

**San Francisco, CA.** The United States Supreme Court issued an order today denying a petition for writ of certiorari in *Silveira v. Lockyer*, 312 F3d 1052 (9<sup>th</sup> Cir. 2002), a Ninth Circuit Court of Appeals decision rejecting a Second Amendment challenge to California's assault weapon ban. In that decision, the court held that the Second Amendment guarantees the collective right of the people to maintain effective state militias, but does not provide any type of individual right to own or possess weapons.

Reacting to the Supreme Court order denying review of *Silveira*, Legal Community Against Violence Executive Director Sue Ann Schiff stated: "We're not surprised that the Supreme Court is taking a 'hands off' approach to this case. The Court addressed the meaning of the Second Amendment more than 60 years ago in *U.S. v. Miller*, 307 U.S. 174 (1939), holding that the 'obvious purpose' of the Amendment was to assure the continuation of the state militia. Since *Miller*, lower courts have considered Second Amendment challenges in hundreds of cases, not one of which has struck down a gun law on the basis of the Amendment. The Supreme Court has had many opportunities to review these decisions and has consistently refused to do so."

Schiff noted that the National Rifle Association chooses to ignore the well-established judicial interpretation of the Second Amendment, arguing instead that the Amendment guarantees every American the unfettered right to possess firearms – even assault weapons. "The decision of the Supreme Court to deny review of *Silveira* means that California can continue to enforce its assault weapon ban, which is more rigorous than the federal ban," said Schiff.

The State of California banned assault weapons in 1989, after an individual armed with an AK-47 killed five children and wounded dozens of others at a Stockton schoolyard. That law was strengthened in 1999, giving California the toughest assault weapon regulations in the country. Guns claimed the lives of more than 29,000 Americans in 2001, the last year for which statistics are available.

The Second Amendment is rarely quoted in full. It reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

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Legal Community Against Violence (LCAV) is a national public interest law center dedicated to preventing gun violence. We believe that common-sense laws and policies are needed to end the epidemic of gun violence in this country. Founded by lawyers, LCAV is the nation's only organization that is exclusively dedicated to providing legal expertise, information and assistance to activists, organizations, communities, and public officials seeking regulatory solutions to gun violence.

LCAV focuses on options that can be pursued at the local and state levels. By making complex legal and policy issues understandable, conducting legal research, analyzing existing and emerging policy strategies, and generating model regulations, LCAV informs and educates communities, and empowers advocates and governments to pursue effective measures that are legally defensible. Our web site, [www.FirearmsLawCenter.org](http://www.FirearmsLawCenter.org), is the most comprehensive site for information on firearms regulation in the U.S.