

July 5, 2022

Attorney General Maura Healey
Commonwealth of Massachusetts
1 Ashburton Place, 20th Floor
Boston, MA 02108

RE: Restoration of Civil Rights Under *Bruen*

Dear Attorney General Healey,

On June 23, 2022 the United States Supreme Court issued a decision on the case *New York State Rifle & Pistol Association, Inc., ET AL v. Bruen ET AL.*. In that decision the highest court firmly ruled that the Second Amendment is indeed an individual civil right enumerated in the United States Constitution. The Court reiterated that Second Amendment “*is not a second class right subject to an entirely different body of rules.*” Further, any laws or regulations regarding the Second Amendment must meet the absolute highest standard of review.

We are aware of the joint “guidance” released by the Massachusetts Office of the Attorney General and the Executive office of Public Safety and Security. We are officially demanding that the so-called “guidance” be retracted and revised as it does not reflect the decision handed down by the Court!

First It is very clear by reading the guidance that the Commonwealth believes that “suitability,” IE Chief’s Discretion, is Constitutional. This method in Massachusetts has been widely abused by licensing authorities to restrict or deny all manner of people based on arbitrary personal opinions. Doing away with this type of discriminatory prejudice is absolutely at the core of the Court’s decision. Following a clear and logical reading of *Bruen*, that could not be further from the truth.

Post *Bruen*, the only hurdle a citizen must overcome to obtain a license is to pass a standard criminal and mental health background check. Those checks must be standard for every citizen under the 14th Amendment (Equal protection) and can only apply to criminal convictions or mental health commitments that make the citizen a “prohibited person”.

Second Whereas restricted licenses are now clearly unconstitutional, the guidance gave no mention of the fact that any restrictions on currently issued licenses can no longer be enforced. That all such licenses are now considered to have been issued for all lawful purposes.

Third A key element of the *Bruen* decision was the ability to carry firearms in public places. The court made it exceedingly clear that carry/possession bans in public areas must meet the

“historically sensitive areas” condition, such as schools, court houses, etc. As such, state and local law enforcement need to be advised that any state laws or local ordinances that ban the carrying/possession of firearms in public places that are not strictly historically sensitive areas can no longer be enforced.

Fourth The guidance states that “***Licensing authorities may continue to inquire about the reasons why the applicant wants a license...***” This absolutely violates not only the clear legal opinion of the Court, but indeed the spirit of it as well. If the licensing authority is not allowed to use that information against the applicant, then why would it be constitutional to ask the questions?

Fifth As the issuance of licenses can only be predicated on a standard prohibited person status, this means that all other hurdles/inquiries are now unconstitutional. These would include mandates and/or conditions, but not limited to, training requirements, letters of reference, names of reference, qualification tests, etc. It must be included in any official guidance that these mandates are now in violation of *Bruen*.

It is for these, and other clear reasons, that we are demanding the guidance be retracted and revised to meet the clear legal reading and the actual spirit of *Bruen*!

Sincerely,

James L. Wallace
Executive Director, Gun Owners’ Action League