



# Firearms Owners Against Crime and Allegheny County Sportsmen's League

Joint



## PRESS RELEASE

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January 24, 2019

### PRESS RELEASE FOR IMMEDIATE DISTRIBUTION

### FOAC and ACSL Oppose and Decry the Unconstitutional and Illegal Actions of the City of Pittsburgh, Which Seek to Violate Law-Abiding Citizens' Civil Rights to Keep and Bear Arms

Pittsburgh, PA (January 24, 2019) — Today, during the Pittsburgh City Council Public Hearing on three gun control proposals (2018-1218, 2018-1219 and 2018-1220), Klint Macro, President of the [Allegheny County Sportsmen's League](#) (“ACSL”), and Kim Stolfer, President of [Firearm Owners Against Crime](#) (“FOAC”), issued a stern warning to Pittsburgh City Council and Mayor William Peduto – if you take *any* further action on these proposals, we are prepared to take legal action against you, including filing private criminal complaints against every elected official responsible.

ACSL and FOAC have already retained attorney [Joshua Prince, Esq.](#), of [Firearms Industry Consulting Group](#), a division of [Civil Rights Defense Firm, P.C.](#), to take all necessary and appropriate legal action against the City of Pittsburgh and its elected officials, if they enact these proposals. Attorney Prince, whose legal practice is concentrated on constitutional and firearms law at the state and federal level, has substantial experience handling preemption cases and has won major preemption cases, including *Dillon v. City of Erie* and more recently, *FOAC v. Lower Merion Township*. Attorney Prince is well known for handling firearms law matters and has a substantial track record that includes the first ever financial judgment against the Pennsylvania State Police, two settlements totaling over two million dollars with the City of Philadelphia over its unlawful disclosure of license to carry firearms applicant information and three occasions where he sued the U.S. Government in issues of first impression across the U.S. under Second Amendment as-applied challenges and won, including having the Government pay his attorney fees.

Prior to the proposals being formally introduced, Attorney Prince, on behalf of ACSL and FOAC, sent an extensive letter to Mayor Peduto and City Council addressing the law and the criminal nature of the City's conduct. A copy of the letter can be viewed at [here](#).

Specifically, under Pennsylvania law, it is unlawful for a municipality to regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of Pennsylvania. Prior enactments of similar ordinances have been successfully challenged and struck down by various Pennsylvania courts. In fact, the Pennsylvania Supreme Court previously declared in *Ortiz v. Commonwealth* – in which the City of Pittsburgh was a party – that “[b]ecause the ownership of firearms is constitutionally protected, its regulation is a matter of statewide concern ... [T]he General Assembly, *not city councils*, is the proper forum for the imposition of such regulation.” 681 A.2d 152, 156 (Pa. 1996).

“In offering these three unlawful firearm-regulation proposals, Mayor Peduto and the Pittsburgh City Council are violating numerous provisions of the Crimes Code, by seeking to impede the exercise and enjoyment of numerous rights and privileges protected by the Pennsylvania Constitution and statutory law,”

said Prince. “Contrary to what the Mayor and City Council believe, they are not above the law and will be held accountable for any action taken to enact these proposals.”

In response to Mayor Peduto’s and Councilman O’Connor’s statements that, as elected officials, they are above the law and immune from prosecution, Stolfer quipped, “I guess they’re unaware of former Attorney General Kathleen Kane or the dozen of state representatives, like Representative Vaness Brown, who have been prosecuted and convicted. I’m sure the Mayor and City Council Members will find themselves with likeminded individuals, wearing orange, in the near future.”

Echoing those comments, Macro declared “Today, we call upon District Attorney Zappala to open an investigation into the actions of Mayor Peduto, City Council and those that have conspired with them to violate our state firearm preemption provisions found within Article 1, Section 21 of the Pennsylvania Constitution and Section 6120 of the Crime Code, as well as, for violations of official oppression, found within Section 5301 of the Crime Code.” Macro continued “While we have already authorized Attorney Prince to take legal action against the City, as the litigation and resultant award of attorney fees and costs will cost the taxpayers tens of thousands of dollars, we implore District Zappala to take swift action in filing charges and ensuring that justice prevails.”

In response to questions of whether Stolfer and Macro would support the District Attorney considering accelerated rehabilitative disposition for the Mayor, City Council Members, and others that have conspired with them, Stolfer and Macro unequivocally stated “No.” When ask why, Stolfer responded “These elected officials – especially Peduto, O’Connor and Strassburger – have already admitted to knowing that these proposals violate the Pennsylvania Constitution and statutory law and are going to enact them regardless, in violation of everyone’s civil liberties.” Macro then responded “The law applies equally to all citizens, including our elected officials and their flagrant knowing violation of the law requires that we hold them accountable. If our elected officials are not accountable to law, just who is?”

Earlier this week, Kennedy Township resident Val Finnell, 50, and a member of FOAC, delivered petitions to District Attorney Zappala’s Office with nearly 8,000 signatures opposing the gun ordinances and calling for criminal charges against Peduto and city council members. During the Public Hearing, he presented the petitions to the City Council.

“Once again, we see another municipality attempting to enact ordinances to preclude individuals from violating existing law. The irony is that the same individuals who seek to impose these new regulations are themselves violating the law, showing the fallacy in their logic that criminal laws preclude criminals from committing criminal acts” said Adam Kraut, another attorney for ACSL and FOAC.

If you would like to donate to support this matter, ACSL and FOAC would greatly appreciate donations, which can be made online through the Civil Rights Defense Firm's escrow account here – <https://secure.lawpay.com/pages/civilrightsdefensefirm/trust>. Simply place "ACSL/FOAC Pittsburgh Preemption Litigation" in the reference box.

**Allegheny County Sportsmen’s League** ([www.acslpa.org](http://www.acslpa.org)) is an organization whose mission is to, *inter alia*, defend and protect, by means of educating public officials and the general public, about the Constitutions of the United States and the Commonwealth of Pennsylvania, especially the Second Amendment and Article 1, section 21, respectively.

**Firearm Owners Against Crime** (<http://foac-pac.org>) a non-partisan, non-connected all-volunteer Political Action Committee organized to empower ‘all’ gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 and 25 of the PA Constitution with the tools and information necessary to protect freedom from transgression.

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**Firearm Owners Against Crime (FOAC)** is non-partisan, non-connected Political Action Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 of the PA Constitution with the tools and information necessary to protect this freedom from transgression. Candidates for office are evaluated every election cycle, approved, placed on an FOAC voter guide and distributed throughout the region.

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