

United States v. Steven M. Skoien
No. 08-3770
U.S. Court of Appeals for the Seventh Circuit

NRA Amicus Brief in Support of Appellant April 1, 2010	GOF Amicus Brief in Support of Appellant April 2, 2010
<p>“the right ... ‘shall not be infringed’ ... however, this does not mean that the government is barred from enacting laws regulating ... the right.” NRA Brief, p. 2,6.</p>	<p>“The Second Amendment states that, without exception – compelling, reasonable or otherwise – the right protected ‘shall not be infringed.’” GOF Brief, p. 17.</p>
<p>“one can conceive of the compelling government interest that might justify placing certain arms restrictions on persons convicted of domestic violence” NRA Brief, p. 16.</p>	<p>“Such reasoning is reminiscent of the reasoning that animated the English Bill of Rights of 1689, which limited the right to keep and bear arms to Protestants....” GOF Brief, p. 12.</p>
<p>“the government’s interest in preventing crime ... is both legitimate and compelling.” NRA Brief, p. 17.</p>	<p>“the ... purported concern for community safety is comparable to that underpinning the Black Codes which deprived ... freedmen of their right to keep and bear arms.” GOF Brief, p. 12.</p>
<p>“a state’s interest in prohibiting firearm possession by violent felons and the insane is self-evidently compelling.” NRA Brief, p. 9.</p>	<p>“Because the nature of the relationship is not an element of the offense, it need not be proved in a court beyond a reasonable doubt. ... Thus, a person ... could be disqualified not by a jury verdict ... but by unverified information in a police report....” GOF Brief, p. 6.</p>
<p>“persons who by their action ... betray a likelihood of violence against the state may be disarmed.” NRA Brief, p. 14.</p>	<p>“Unless the government can affirmatively demonstrate that, because of his misdemeanor conviction, Skoien ... had ‘forfeited’ his citizenship rights, ... Skoien is ... protected by the Second Amendment.” GOF Brief, p. 12,15.</p>
<p>“it is noteworthy that the Chief Justice ... expressly suggested at oral argument in Heller that the inquiry into levels of scrutiny was atextual and unhelpful.” NRA Brief, p. 8.</p>	<p>“the approach telegraphed by Justice Roberts ... was exactly the approach taken by the majority ... in Heller ... that ... nontextual standards of review would not be carried over into the Court’s new Second Amendment jurisprudence.” GOF Brief, p. 20.</p>
<p>“Accordingly, regulatory burdens on the fundamental right ... are subject to strict scrutiny.” NRA Brief, p. 6.</p>	<p>“Rather, once a Second Amendment right is found, the Court’s responsibility is not to balance it, weigh it, or decide if it likes it, but rather to protect it....” GOF Brief, p. 20.</p>