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VILLAGE OF LONG GROVE

JULY 6, 2022 PAGE ONE OF SIX

TO: Board of Trustees and PCZBA (Plan Commission and Zoning Board of Appeals), Village of Long Grove,
3110 Old McHenry Road, Long Grove, IL 60047

CC's: NRA-ILA, IL State Rifle Assn, Gun Ranges stated, USCCA, US Law Shield, 2nd Amendment orgs

FROM: Armed Citizens Committee of Lake County, P.O. Box 1003, Gurnee, IL 60031

TOPIC: Gun Range Zoning and Permit for NE corner Lake-Cook Rd. & IL Rt. 53 in Long Grove, IL

DEMAND: DEMAND IS HEREBY MADE THAT YOU APPROVE THE PENDING PETITION FOR A NEW GUN
RANGE IN LONG GROVE or RESIGN YOUR OFFICE AS A LONG GROVE PUBLIC OFFICIAL.

RELEVANT QUOTES OF THE DAY: "The only thing that stops a bad guy with a gun is a good guy with a gun!" (Wayne LaPierre, National Rifle Association)

BACKGROUND AND APPLICABLE LAW:

SITUS: The municipality of Long Grove, Illinois is a residential community of minimum one-acre lots inhabited by law-abiding citizens as upper middle class and wealthy residents. Other taxes in addition to their real estate taxes are collected from customers shopping at its central business district retail businesses, with various festivals held there during summer-fall months. Menard's (large home improvement store) at the subject intersection (at the southern boundary of the Village of Long Grove) has been unsuccessfully trying to sell or lease its vacant outlot for years.

www.longgroveil.gov/sgateway-tif

"The Village of Long Grove is an attractive, very low-density residential environment that must compete with many other communities that present a greater balance of business and employment uses which contribute to their community vitality. In pursuit of the goals for sustainability presented in its adopted Comprehensive Plan, the Village seeks to capitalize on the visibility and accessibility presented at its South Gateway near the intersection of Lake Cook Road and IL Route 53, where commercial development has struggled to thrive."

PETITION: Recently the Village of Long Grove announced a petition was received by the Village of Long Grove, seeking permission to build a building for use as a gun shooting range on said vacant outlot land. **Long Grove's next meeting of its Plan Commission and Zoning Board of Appeals (PCZBA) is scheduled on its website for July 19, 2022.** We do not represent the petitioner.

OATH: Village officials of the Village of Long Grove are required to take an oath of office to support and defend the Constitution of the United States. Even if the oath was not taken nor refused on induction to her/his office, the officeholder is still required to observe and follow the U.S. Constitution as a citizen or resident of the U.S. The Second Amendment to the U.S. Constitution states:

"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."

BRUEN CASE (US SUPREME COURT): On June 23, 2022, the U.S. Supreme Court by Justice Thomas struck down the State of New York gun permit license scheme requiring "proper cause" and ruled in *New York State Rifle & Pistol Assn., Inc. v. Bruen* (20-843) that law-abiding citizens with ordinary self-defense needs have a Second Amendment right to keep and bear arms in public for self-defense (despite mass shooting events recited in Justice Breyer's (retired June 30, 2022) dissent). "And while the dissent seemingly thinks that the ubiquity of guns and our country's high level of gun violence provide reasons for sustaining the New York law, the dissent appears not to understand that it is these very facts that cause law-abiding citizens to feel the need to carry a gun for self-defense." (Bruen case, Justice Alito concurrence, at page 4.)

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Shortly after the Bruen decision was released on June 23, 2022, an internet search easily found various Law School Professor opinions that laws prohibiting certain gun types and magazines over 10 rounds (and even the red flag and under 21 aspects of the U.S. Congress gun legislation signed June 25, 2022 called "Safer Communities Act") would be challenged by lawsuits to be filed under the law stated in the Bruen case. Indeed, on June 30, 2022, the U.S. Supreme Court vacated the respective federal courts of appeals decisions to allow A- Maryland (in the 4th federal Circuit) to ban semi-automatic rifles including AR-15 style rifles (Bianchi vs. Frosh, 21-902) AND both B-California (in the 9th federal Circuit) (Duncan vs. Bonta, 21-1194) and C-New Jersey (in the 3rd federal Circuit) (Association of New Jersey Rifle and Pistol Clubs vs. Bruck, 20-1507) to confiscate magazines over 10 rounds in capacity from law-abiding citizens, and remanded back to the lower federal courts to rehear them and to apply the text-and-history test that it adopted in the Bruen decision of June 23, 2022 and NOT the interest-balancing that the courts incorrectly applied prior to June 23, 2022. Accordingly, soon to be stricken is the MD state law ban on AR-15 style rifles and the CA and NJ state law bans on magazines holding over 10 rounds.

Also, on July 6, 2022, it was reported that Maryland Gov. Hogan directed the Maryland State Police on July 5, 2022 to suspend Maryland's "good and substantial reason" standard when reviewing applications for wear and carry permits for handguns, because "the New York law pertaining to handguns is virtually indistinguishable from Maryland law."

We will engage attorneys to file mandamus, class action and injunction suits against the Illinois municipalities and officials of Highland Park, Deerfield, Buffalo Grove, Chicago, and Cook County (Illinois), all of which have gun restriction ordinances now unconstitutional under the Bruen case. Significantly, the U.S. Congress did not ban certain gun types such as AR-15s nor limit magazine capacity nor raise age to buy AR-15s in the U.S. Congress gun legislation signed June 25, 2022, though one political party (the Democrats) had asked the other party (the Republicans) to include such gun restrictions. Municipal and county ordinances in conflict with the Bruen case are unconstitutional and must and shall be stricken. For example, AR-15 style rifle bans and bans of magazines over 10 rounds, such as those of Deerfield, IL and Highland Park, IL, are clearly now unconstitutional under Bruen. See also Justice Thomas dissent from the 12/7/2015 denial of certiorari in *Friedman v. Highland Park* (15-133), 577 US at 1042: "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."

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As another example, on July 1, 2022, the Chicago Sun-Times reported Chicago federal Judge Dow is about to strike (as unconstitutional under the Bruen case) the Chicago ordinance prohibiting laser sights on firearms, which are of benefit to anyone who is visually impaired, including wearers of eyeglasses which may be knocked off when confronted with deadly force

ULTRA VIRES: Public officials representing Illinois voters can be sued in their personal capacity for acts and omissions relating to their official duties if the officeholder acts outside the scope of their authority for that office or fails to follow the law (including the law made in the Bruen case), placing their personal assets at risk of collection upon a court judgment.

SHALL ISSUE: The Bruen decision in its Footnote 1 at p.4 confirms the State of Illinois is one of 43 "shall issue" states, requiring the state to issue a concealed carry (handgun) license "whenever applicants satisfy certain threshold requirements." (read Illinois statute 430 ILCS 66/10 "Sec. 10. Issuance of licenses to carry a concealed firearm.") Bruen's Footnote 9 at p. 30 is instructive to support its finding New York's "proper-cause requirement" was unconstitutional:

"9To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' "shall-issue" licensing regimes, under which "a general desire for self-defense is sufficient to obtain a [permit]." *Drake v. Filko*, 724 F. 3d 426, 442 (CA3 2013) (Hardiman, J., dissenting). Because these licensing regimes do not require applicants to show an atypical need for armed self-defense, they do not necessarily prevent "law-abiding, responsible citizens" from exercising their Second Amendment right to public carry. *District of Columbia v. Heller*, 554 U. S. 570, 635 (2008). Rather, it appears that these shall-issue regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, "law-abiding, responsible citizens." *Ibid*. And they likewise appear to contain only "narrow, objective, and definite standards" guiding licensing officials, *Shuttlesworth v. Birmingham*, 394 U. S. 147, 151 (1969), rather than requiring the "appraisal of facts, the exercise of judgment, and the formation of an opinion," *Cantwell v. Connecticut*, 310 U. S. 296, 305 (1940)—features that typify proper-cause standards like New York's. That said, because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry."

BENEFITS OF A GUN RANGE IN LONG GROVE:

1-The Village of Long Grove will obtain tax revenue from the gun range business sale of range time, services, firearms, ammunition and firearm accessories. This is a high dollar volume business, and Long Grove residents can afford the pricing.

2-Customers of and visitors to the gun range business will shop at Menard's and other Long Grove businesses, thereby giving the Village additional tax revenue.

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3-Long Grove residents will no longer need to travel lengthy, time consuming distances to reach the now closest handgun shooting ranges of Caliber Gun Range in Waukegan, IL, NorthShore Sports Club in Lake Forest, IL, On Target or Second Amendment Sports (both in McHenry, IL), or Conservation Club of Kenosha County in Bristol, WI.

4-Long Grove residents will have a convenient location to process applications and renewals for Illinois Firearm Owners Identification and Illinois Concealed Carry License.

5-Long Grove residents will have a convenient location to have their firearms cleaned and lubricated, and for gunsmith services.

6-Long Grove residents will have a convenient location for pre-license required courses of instruction and for courses to improve skills.

7-Long Grove residents new to firearms will have a convenient location to learn in person.

8-Long Grove residents with more advanced knowledge of firearms may establish clubs or events at this convenient location under the auspices of the International Defensive Pistol Association and/or United States Practical Shooting Association.

9-Long Grove residents will have a convenient location to learn about voluntary associations which enhance firearms knowledge such as through the U.S. government sponsored Civilian Marksmanship Program, the U.S. Concealed Carry Association of West Bend, WI (including monthly magazine, online courses and insurance), the Illinois State Rifle Association of Chatsworth, IL and the National Rifle Association of Fairfax, VA (including various NRA in-person courses of instruction and courses to gain certifications).

10-This convenient location will increase the gun safety skills of those Long Grove residents who chose to patronize it.

11-In light of increased violent crime in northeast Illinois, including as widely publicized within the City of Chicago and Cook County, Long Grove residents who chose to patronize this convenient location will gain skills to be better able to perform her/his own self-defense under IL law if confronted in public with deadly force by the perpetrator(s) or if confronted with deadly force or a forcible felony in home by the perpetrator(s).

JUSTICE THOMAS ON AMMO AND WEAPONS TRAINING, CITING 7TH CIRCUIT 2010 EZELL I DECISION:

US Supreme Court Justice Thomas' stated in his concurring opinion in *Luis vs. United States* (3/30/2016, 14-419): "Constitutional rights thus implicitly protect those closely related acts necessary to their exercise. "There comes a point . . . at which the regulation of action intimately and unavoidably connected with [a right] is a regulation of [the right] itself." *Hill v. Colorado*, 530 U. S. 703, 745 (2000) (Scalia, J., dissenting). The right to keep and bear arms, for example, "implies a corresponding right to obtain the bullets necessary to use them," *Jackson v. City and County of San Francisco*, 746 F. 3d 953, 967 (CA9 2014) (internal quotation marks omitted), and "to acquire and maintain proficiency in their use," *Ezell v. Chicago*, 651 F. 3d 684, 704 (CA7 2011). See *District of Columbia v. Heller*, 554 U. S. 570, 617-618 (2008) (citing T. Cooley, *General Principles of Constitutional Law* 271 (2d ed. 1891) (discussing the implicit right to train with weapons)); *United States v. Miller*, 307 U. S. 174, 180 (1939) (citing 1 H.

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Osgood, *The American Colonies in the 17th Century* 499 (1904) (discussing the implicit right to possess ammunition)); *Andrews v. State*, 50 Tenn. 165, 178 (1871) (discussing both rights). Without protection for these closely related rights, the Second Amendment would be toothless."

LONG GROVE MUNICIPALITY REQUIRED TO FOLLOW 7TH FEDERAL CIRCUIT COURT OF APPEALS SECOND AMENDMENT EZELL II DECISION ON FIREARMS RANGE TRAINING:

In *Ezell vs. City of Chicago* (846 F.3d 888 7th Cir. 2017, a/k/a "Ezell II"), the US Court of Appeals for the 7th Circuit (which includes the City of Chicago, IL and the municipality of Long Grove, IL) rejected the City of Chicago zoning schemes to deny the opening of gun ranges within the City, and ruled in applying the text-and-history test, which since June 23, 2022 is the only test to be used under Bruen decided June 23, 2022: "Addressing the "scope" question in *Ezell I*, we rejected the City's argument that range training is categorically unprotected by the Second Amendment. We held that the core individual right of armed defense—as recognized in *Heller* and incorporated against the states in *McDonald*—includes a corresponding right to acquire and maintain proficiency in firearm use through target practice at a range. 651 F.3d at 704. We explained that the core right to possess firearms for protection "wouldn't mean much without the training and practice that make it effective." *Id.* We noted that *Heller* itself supports this understanding. *Id.* at 704 (citing *Heller*, 554 U.S. at 616, 619). Finally, we held that the City had failed to establish that target practice is wholly unprotected as a matter of history and legal tradition in the founding era or when the Fourteenth Amendment was ratified. *Id.* at 704–06. This holding and these observations control here. Range training is not categorically outside the Second Amendment. To the contrary, it lies close to the core of the individual right of armed defense."

DEMAND-APPROVE OR RESIGN OFFICE:

You are required, in both your Village public official role, and in your role as a resident of the United States, to follow the law made in the U.S. Supreme Court's Bruen case, decided June 23, 2022, including application of the "text-and-history" test as applied by the US Court of Appeals for the 7th Circuit (in which the municipality of Long Grove is situated) in the 2017 7th Circuit *Ezell II* case. A gun range business is a permitted business under state and federal laws, and your required approval of the aforesaid petition for a new gun range within the Village of Long Grove supports your obligation as a public official to allow, provide and enhance Long Grove residents opportunity to keep and bear arms in public for self-defense under Bruen and the included rights to have range training and have target practice at a range under *Ezell II*. That is, since Illinois law requires a brick and mortar building for walk-in meetings for pre-licensing safety courses in firearms handling and the zoning and permitting of real estate is under the jurisdiction of local governmental units including the Village of Long Grove, Illinois, municipalities such as the Village of Long Grove are required to grant zoning and permit applications for new gun ranges under Bruen and *Ezell II*.

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REMEDY FOR NON-APPROVAL:

Please take notice that our experienced trial lawyers stand ready to sue each Long Grove public official in state and federal court who votes "No" to said petition should the petition be denied, on ultra vires and other grounds (Section 1983 civil rights denial, denial of equal protection of the laws, RICO conspiracy with anti-2nd Amendment organizations and Pritzker money funders), in BOTH your official public role for acting outside the scope of your authority and failing to observe the law stated in the Bruen and Ezell cases, and also in your individual, personal capacity for failing to observe the Second Amendment to the U.S. Constitution. Please check with the Village's lawyers and your own personal lawyer as to their views of your monetary and other exposure; you can try to sue them for bad advice later.

PUBLIC OFFICIALS' NEW LITIGATION ENVIRONMENT POST-BRUEN:

Per media reports- Litigation will be filed against New York for unlawfully enacting another concealed carry law that violates the standard in the Bruen case decided against it. Litigation will be filed against California for unlawfully disclosing the personal information of its concealed carry license holders on the internet when it interfaced with the federal database (with stealth purpose to dox concealed carry license holders). Litigation will be filed against IL Gov. Pritzker for his unlawful delay in issuing IL FOID cards and concealed carry licenses and against his Atty. Gen. Raoul for Raoul's disclosure on June 29, 2022 that he will create an Illinois database of guns (with stealth purpose to confiscate firearms) under the guise that the federal database is too difficult to use. (The IL Executive Branch's Illinois State Police under control of Democrat IL Gov. Pritzker maintain the IL FOID card and concealed carry licensee database.)