  
Approved as to Form and Legality

OAKLAND CITY COUNCIL  
07 DEC 13 07  
**Oakland City Council**

RESOLUTION NO. 81000 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ATTORNEY, ON BEHALF OF THE CITY OF OAKLAND, TO JOIN IN AN AMICUS BRIEF IN THE UNITED STATES SUPREME COURT SUPPORTING THE DISTRICT OF COLUMBIA'S APPEAL OF A LOWER COURT DECISION INVALIDATING ITS LOCAL FIREARMS BAN**

**WHEREAS**, in *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007) a federal appellate court invalidated the District of Columbia's local ban on firearms and on November 21, 2007, the US Supreme Court agreed to hear an appeal of that decision, in which the case is now titled *District of Columbia v. Heller*, Case No. 07-290; and

**WHEREAS**, during its history, the Supreme Court has addressed this constitutional issues only a few times and each time the Court has held that laws regulating firearms do not violate the Second Amendment to the US Constitution because that amendment is concerned with preserving the effectiveness of the militia in "collectively" bearing arms; and

**WHEREAS**, based on this case law precedent, the federal government, cities and states across the country have enacted a wide range of laws governing the possession, use and sales of firearms to curb the crime involving firearms occurring in their communities; and

**WHEREAS**, some of the laws enacted by local, state and federal entities range from registration requirements to prohibitions on concealed weapons to bans on particular categories of guns (e.g., handguns, assault rifles, and .50 caliber rifles) and, in Oakland, the Council has passed legislation regulating gun dealers, straw sales, junk guns (Saturday Night Specials), and ultra compact guns; and

**WHEREAS**, while it is impossible to know the full impact the Court's decision in *Heller* will have on existing law, the case stands to significantly affect the legal landscape in which cities and states attempt to regulate firearms as a way to reduce gun violence in their communities; and

**WHEREAS**, given the importance of this matter, several cities intend to join in the friend of the court brief being prepared by the Legal Community Against Violence, including New York, Los Angeles, San Francisco, Seattle, Baltimore, Milwaukee and Sacramento. LCAV expects additional cities will continue to join; now, therefore, be it

**RESOLVED:** that the City Council authorizes the City Attorney to sign onto an amicus Brief asking the US Supreme Court to reverse the Court of Appeal's decision in *Parker v. District of Columbia*, 478 F.3d 370 (D.C. Cir. 2007) which held invalid the District of Columbia's local ban on firearms and which case is now titled *District of Columbia v. Heller*.

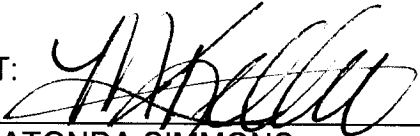
IN COUNCIL, OAKLAND, CALIFORNIA, **DEC 18 2007**

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID,  
CHANG, AND PRESIDENT DE LA FUENTE - 8

NOES - 0  
ABSENT - 0  
ABSTENTION - 0

ATTEST:

  
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LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California