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Attorney for Plaintiffs BRUCE BOYER, individually
and on behalf of SONS OF LIBERTY LA,
an unincorporated association

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRUCE BOYER, individually and on behalf of SONS OF LIBERTY LA, an unincorporated association,)	Case No.: CV12-04005 GAF (FFMx)
)	
Plaintiffs,)	DECLARATION OF BRUCE BOYER
)	IN SUPPORT OF APPLICATION
vs.)	FOR TEMPORARY RESTRAINING
)	ORDER AND ORDER TO SHOW
CITY OF LOS ANGELES,)	CAUSE RE PRELIMINARY
)	INJUNCTION
Defendant.)	
)	
)	
)	

BRUCE BOYER declares:

1. I am a resident of the County of Los Angeles, California, over the age of eighteen and a named plaintiff in this action. I make this declaration in support of the ex parte application for a temporary restraining order and for issuance of an order to show cause why a preliminary injunction should not issue in this case. The facts contained in this Declaration are personally known to me, except as to those matters which are stated on information and belief; as to those

1 matters, I am informed and believe that they are correct. If called upon to testify
2 under oath, I could and would competently testify to the following facts.

3 2. I am the organizer and principal representative of Sons of Liberty
4 LA. Sons of Liberty LA is an unincorporated association of like-minded
5 individuals in the Los Angeles region focusing on the advancement of individual
6 liberty and Constitutional rights, with a particular focus on the rights of speech
7 and assembly under the First Amendment, the individual right to bear arms under
8 the Second Amendment, and the right to be free from unreasonable search and
9 seizure under the Fourth Amendment. Philosophically, Sons of Liberty LA
10 believes that the best way in which to advance and preserve those rights is to
11 exercise them publicly and, if need be, in the face of opposition by representatives
12 of government. In view of that philosophy, I often refer to myself as “Chief
13 Instigator” of Sons of Liberty LA.

14 3. Beginning in or before 2009, the City of Los Angeles has sponsored
15 and conducted a series of annual “Gun Buy Back” events in which, on a stated
16 date and at stated locations, the City invites people to bring firearms to those
17 locations and to surrender them to the City. In exchange for the surrendered
18 firearm, the City gives out a “gift card” donated by and usable at an area
19 merchant. Those who bring firearms for surrender to the City do so anonymously
20 and on a “no questions asked” basis. The Los Angeles Police Department
21 operates and oversees the Gun Buy Back locations on behalf of the City. The
22 City’s stated practice is to have the Los Angeles Police Department examine the
23 surrendered firearms to determine if any have been reported as lost or stolen, and
24 to return lost or stolen firearms to their owners. No other investigation is
25 conducted concerning the surrendered firearms; in particular, the Los Angeles

1 Police Department does not conduct any inquiry in to whether any of the firearms
2 it receives (other than those determined to have been stolen) have any connection
3 to criminal activity or whether the person who surrenders the firearm had lawful
4 possession of the firearm at the time (permitting non-owners to deprive others
5 unilaterally of their property). Those firearms that are not returned to their owners
6 are, under the City's stated practice, to be destroyed.

7 3. I believe, and the other members of Sons of Liberty LA believe, that
8 the Los Angeles Gun Buy Back events are unwise as a matter of public policy,
9 and may be illegal in one or more respects. The surrender of a firearm in
10 exchange for a gift card, for example, is a sales transaction (hence the name "Buy
11 Back") in which the City of Los Angeles becomes the owner of that firearm, but
12 the sale is not conducted in compliance with applicable state or federal law.
13 Among other issues: (1) it is uncertain whether the City is required to possess (as
14 it does not) a Federal Firearms License in order to act as a dealer in firearms and
15 (2) the "sellers" are not required to provide identification, as is required in any
16 other firearms sale transaction under both state and federal law. Additionally, the
17 stated policy of the City is not to conduct any investigation, by ballistic testing or
18 otherwise, that might lead to a finding that a particular firearm has been used in a
19 crime; the City thereby interferes with its own law enforcement efforts, and those
20 of the State, the United States, or other municipalities, and deprives the public
21 prosecutors in those jurisdictions of the opportunity to bring charges against
22 violent wrongdoers by destroying potential evidence. To the extent the firearms
23 received by the City are of significant value—news reports of the 2009 Buy Back
24 event referred, for example, to a "World War I-era chrome-plated Luger" worth
25 as much as \$10,000 that had been turned in—they constitute "surplus property" of

1 the City, disposal of which by destruction is not authorized by the Los Angeles
2 Municipal Code's provisions regulating surplus property. I have personally
3 witnessed individuals surrendering firearms for a \$100 gift card when those
4 firearms are worth hundreds or even thousands of dollars. Sons of Liberty LA
5 also believes that the Gun Buy Back events do not increase public safety, and are
6 little more than a "photo op" for elected and appointed officials seeking to claim
7 credit as "crime fighters." We contend that taking these firearms out of the
8 community, rather than arranging their transfer to persons who might use them
9 for their own protection and self-defense, decreases public safety rather than
10 enhancing it.

11 4. For these reasons, among others, Sons of Liberty LA is opposed to
12 Gun Buy Back events as they are and have been conducted in the City of Los
13 Angeles. Sons of Liberty LA is not, of course, in a position to compel enactment
14 of its preferred policies and positions, but it should be permitted under the
15 Constitution to convey those policies and positions to the City and to the public at
16 large. Since 2010 I, with other members of Sons of Liberty LA, have attempted to
17 attend Gun Buy Back events for the purpose of engaging in speech activity
18 directed to exposing other attendees at those events to the differences between the
19 City's policies and the positions favored by Sons of Liberty LA, and for the
20 purpose of offering those who wish to dispose of firearms an opportunity to do so
21 in an alternative, lawful manner, by sale through licensed firearms dealers,
22 commonly for a larger sum than the seller will receive via "gift card" from the
23 City.

24 5. Beginning with the Gun Buy Back events of 2010, members of Sons
25 of Liberty LA and I have attempted to be present at announced Gun Buy Back

1 locales in order to engage in lawful, Constitutionally protected speech and
2 assembly activity directed to communicating with Buy Back attendees. The
3 proposed communications may be by conversation, by printed fliers, by messages
4 printed on clothing, or by larger signs (including signs borne on licensed
5 vehicles). The City of Los Angeles has opposed and interfered with all of those
6 efforts on a consistent basis, as described further below. Sons of Liberty LA and I
7 have attempted, in anticipation of the 2012 event to be held on Saturday May 12,
8 2012, to obtain a permit or other specific permission to be present at Gun Buy
9 Back sites in a meaningful way, but we have been rebuffed. For that reason, we
10 have filed this action and seek this Court's assistance in the preservation and
11 exercise of our Constitutional rights.

12 6. On May 8, 2010, I went to the announced Gun Buy Back location in
13 Hollywood with others from Sons of Liberty LA to attempt to communicate with
14 participants. I parked a trailer, carrying a sign, in an authorized parking spot
15 visible from the event site. I wore a t-shirt with a message concerning alternatives
16 to the Buy Back. I carried printed fliers, which I intended to give to any willing
17 recipient, providing information and directions to a licensed firearms dealer to
18 whom the firearms that might otherwise be exchanged for a \$100 gift card might
19 be sold for significantly more, in a transaction to be conducted in compliance
20 with all applicable state and federal laws. I attempted to enter the Buy Back event
21 site on foot and to speak with participants. I had gone no more than ten feet on to
22 the site when I was grabbed and arrested by officers of the Los Angeles Police
23 Department. Other Sons of Liberty LA members at that site left it quickly, on
24 threat of arrest. My vehicle, parked two blocks away, was searched and I was
25 transported to jail. I have been informed that similar threats of arrest were made

1 to Sons of Liberty LA volunteers at other Gun Buy Back locations on that day.
2 Similar threats have also been made at Gun Buy Back sites when the event was
3 conducted in May, 2011.

4 7. On May 8, 2010, I was arrested purportedly for violation of an anti-
5 trespassing statute, Penal Code §602(o)(1). The arresting officers cannot have had
6 cause to believe I was violating that statute, because it requires by its terms that
7 the alleged trespasser refuse to leave the premises when requested to do so by a
8 peace officer acting on instructions of the property owner. I was not requested to
9 leave prior to being arrested, and the arresting officers had no instructions from
10 the property owner to ask that I do so. I was never charged with a violation of the
11 Penal Code section under which I was arrested. I was instead charged with
12 misdemeanor interference with an officer under Penal Code §148(a)(1) [I neither
13 interfered with the officers nor resisted their efforts to arrest me] and with a
14 misdemeanor violation of a general Los Angeles ordinance governing the
15 “erection” of signs, Los Angeles Municipal Code §67.02(a). I was subsequently
16 convicted only on the charge of violating the sign ordinance, on the theory that
17 using a licensed vehicle such as a trailer to hold a sign or banner upright
18 constitutes “erecting” that sign. I am seeking appellate review of that conviction
19 at this time.

20 8. Based upon my personal experience, and on reports from other
21 members of Sons of Liberty LA, I have every reason to believe that any attempt
22 to engage in speech activity at or even in close proximity to Gun Buy Back
23 locations for the purpose of commenting upon or offering alternatives to the
24 City’s disposal of firearms will be met with arrest or other forcible dissuasion. It
25 further appears that the policy of the City of Los Angeles is to engage in

1 viewpoint-based action wherever possible to prevent Sons of Liberty LA from
2 engaging in these speech activities. For example, an entry on the Los Angeles
3 Police Department blog, dated May 12, 2010, reporting on proceedings on May
4 10, 2010, at the meeting of the Los Angeles Police Commission stated:

5 Police Commission Vice President Alan Skobin attended the
6 Gun Buy Back event held in the San Fernando Valley. He said it
7 was a good event and he was intrigued by the different people who
8 turned in guns. He added he was concerned over solicitors
9 positioned near the event offering cash for guns. *Commissioner*
10 *Skobin instructed the Department to look into the legality of the*
11 *solicitors and insure they are not present for the next Buy Back*
12 *event.*

13 (Emphasis added.)

14 The blog post is located at: [http://lapdblog.typepad.com/lapd_blog/2010/05/notes-](http://lapdblog.typepad.com/lapd_blog/2010/05/notes-from-the-may-11-2010-weekly-police-commission-meeting.html)
15 [from-the-may-11-2010-weekly-police-commission-meeting.html](http://lapdblog.typepad.com/lapd_blog/2010/05/notes-from-the-may-11-2010-weekly-police-commission-meeting.html).

16 9. In 2011, Sons of Liberty LA members again attempted to appear and
17 express their positions in a lawful manner at Gun Buy Back events. They were
18 again rebuffed with threats of arrest. I was not arrested, but was threatened with
19 arrest if I “opened my mouth” or attempted to enter the event or to attend the
20 press conference. Efforts to obtain permission to participate in 2011 were
21 unavailing.

22 10. On or about April 24, 2012, the City of Los Angeles announced its
23 2012 Gun Buy Back event, which is to be conducted on Saturday, May 12, 2012,
24 at six locations around the City of Los Angeles. A true and correct copy of the
25 City’s Gun Buy Back flier as posted on the website of the Los Angeles Police

1 Department is attached to this Declaration as Exhibit “A” and is incorporated by
2 this reference as though set forth in full at this point.

3 11. In the time available since the date and locations for the 2012 Gun
4 Buy Back became known, I have been attempting to obtain a permit or other
5 authorization from the City of Los Angeles to allow the presence of Sons of
6 Liberty LA volunteers at those events under conditions that will allow for
7 reasonable and effective exercise of our Constitutional speech rights. I have had
8 no success in obtaining either explicit permission or any assurance at all that the
9 presence of Sons of Liberty LA will not result in arrest or other interference. I
10 contacted the Office of the Mayor, and was told that the Los Angeles Police
11 Department is responsible for all “operational” issues surrounding the event. I
12 contacted the Los Angeles Police Department and was referred to LAPD
13 Detective Tompkins, as the Officer in charge of organizing and overseeing these
14 events.

15 12. I have spoken with Detective Tompkins and he has declined to
16 permit or authorize access to the Gun Buy Back events at any of the announced
17 locations. Detective Tompkins stated to me that the only members of the public
18 who are permitted entry are those who are arriving in their motor vehicles with
19 one or more firearms to transfer or surrender. I know from past observation that
20 this statement is not precisely true, as the Department has regularly permitted
21 entry to elected and appointed officials, to the invitees and guests of such
22 officials, and to media representatives who will provide presumably favorable
23 exposure concerning the event. Detective Tompkins has further stated to me that
24 members of the public, including those such as Sons of Liberty LA who may wish
25 to use that space for speech purposes, are prohibited from adjacent sidewalk

1 areas. Detective Tompkins has declined any grant of permission for the presence
2 of signs in the vicinity of the Gun Buy Back events. Although Det. Tompkins
3 claimed to me that signs would be permissible, my past personal experience is to
4 the contrary: as described above, I have personally been charged and convicted of
5 a misdemeanor based solely on the presence of a sign on a lawfully parked,
6 DMV-registered trailer in the vicinity of the 2010 Buy Back event in Hollywood.
7 Absent express permission, which the City has declined to provide, I have no
8 confidence that the presence of signs will not lead to the arrest of anyone
9 associated with them. Detective Tompkins has informed me there are no written
10 policies in place for the conduct of the Gun Buy Back event, and the operation of
11 the event lies entirely within the discretion of the Los Angeles Police Department.

12 13. The City of Los Angeles, through Detective Tompkins, has made it
13 plain to me that it will not grant permission for any form of participation or
14 comment by non-City representatives or the general public at Gun Buy Back
15 events, and that no countervailing points of view will be permitted or tolerated.
16 The members of Sons of Liberty LA do not seek or propose to prevent any person
17 from fully participating in the Gun Buy Back by surrendering one or more
18 firearms, nor do plaintiffs seek or propose to interfere in any way with the safe,
19 orderly and lawful processing of any firearms that are surrendered by a willing
20 participant. The members of Sons of Liberty LA seek only a meaningful
21 opportunity to convey, to any willing listener, their alternative point of view
22 concerning the wisdom and legality of the City's Gun Buy Back events, and
23 concerning alternative means by which attendees at those events can safely and
24 lawfully dispose of unwanted firearms if they wish to do so. In light of the City's
25 refusal to grant permission for any activity along these lines, I seek the assistance

1 of the Court to direct the City to provide a reasonable opportunity for such
2 activity, free from the threat of arrest.

3 14. For myself and on behalf of Sons of Liberty LA and all similarly
4 situated persons and organizations, I request that this Court issue an appropriate
5 order requiring the City of Los Angeles, at each of the Gun Buy Back locations,
6 (1) to allow members of Sons of Liberty LA to be present at the Gun Buy Back
7 event site, to enter the site on foot, by wheelchair, or by other means apart from a
8 motor vehicle, and to be present without themselves possessing or surrendering a
9 firearm, (2) to allow the presence of Sons of Liberty LA at each Gun Buy Back
10 site, or in its immediate vicinity, in a manner that provides an opportunity for
11 Sons of Liberty LA to speak with and communicate their views to other attendees
12 prior to those attendees surrendering their firearms to the City. Sons of Liberty
13 LA will apply in the future for additional declaratory and injunctive relief
14 concerning the manner in which firearms that are surrendered to the City of Los
15 Angeles are processed and disposed of, but at this time seek only the relief
16 necessary to permit meaningful participation at the Gun Buy Back events
17 scheduled for this coming weekend.

18 I declare under penalty of perjury under the laws of the State of California
19 and of the United States that the foregoing is true and correct, and that this
20 Declaration is executed this 9th day of May, 2012.

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BRUCE BOYER (declarant)
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