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August 14, 2020

Ms. Molly C. Dwyer, Clerk
U.S. Court of Appeals for the Ninth Circuit
95 7th Street
San Francisco, CA 94103

Re: *George K. Young, Jr. v. State of Hawaii, et al.*; No. 12-17808

Dear Ms. Dwyer:

Young writes this Court regarding *Duncan v. Becerra*, No. 19-55376, 2020 U.S. App. LEXIS 25836 (9th Cir. Aug. 14, 2020) (attached) (“Op”) which applied strict scrutiny and held that California’s ban on Large Capacity Magazines violated the Second Amendment.

This opinion supports Young’s position that H.R.S. 134-9 is not longstanding and the application of strict scrutiny if a tier of scrutiny is applied. The Court observed that to determine whether a law is longstanding in “our circuit, we have looked for evidence showing whether the challenged law traces its lineage to founding-era or Reconstruction-era regulations”. Op at 33. This contradicts Defendants’ position that laws from the 1930s can be used to demonstrate a challenged prohibition is longstanding.

Duncan then applied strict scrutiny because “[i]f a far-reaching law restricting arms contains no meaningful exceptions for law-abiding citizens who use them for self-defense, it invites strict scrutiny”. *Id* at 59. “[S]elf-defense [is not] a dispensation granted at the state’s mercy.” *Id.* at 39.

Young alleges on p. 16 of his Complaint that permits to carry are not given to those who are not a “member of law enforcement [] or employed by a licensed private security company ... engaged in the employment of protecting a ... third party...” Thus, the County’s application of Hawaii law contains no meaningful exceptions for law-abiding citizens

The fact that only law enforcement or security guards can be issued permits is also supported by the record because state reports show zero permits have been issued in Hawaii County. *See Young v. Hawaii*, 896 F.3d 1044, 1072 (9th Cir. 2018).

This has been made especially clear since the issuance of the *Young* panel opinion because starting in 2018, the state removed the term “concealed” from the reports and the 2018-2019 reports represent zero permits have been issued either concealed or openly for civilians. *See* Supplemental Brief, p. 16 fn. 10. *See also* Reply Brief, p. 3 fn. 3. If this Court applies a tier of scrutiny, *Duncan* supports the application of strict scrutiny because the County’s de facto ban on carry is a substantial burden on Young’s rights.

Yours very truly,

/s/ Alan Beck
Alan Beck

CERTIFICATE OF SERVICE

On this, the 14th day of August 2020, I served the foregoing by electronically filing it with the Court's CM/ECF system which generated a Notice of Filing and effects service upon counsel for all parties in the case. I certify that the body of this letter 350 words as calculated by Microsoft Office 365. I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 14th day of August, 2020

s/ Alan Beck