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November 10, 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:

I write the Court to inform it of a recently published article, Leider, Robert, Constitutional Liquidation, Surety Laws, and the Right to Bear Arms (September 23, 2020)¹ (attached) which demonstrates early Americans enjoyed a robust right to carry arms for self-defense and that there is almost no known record of American courts enforcing the common law crime of going armed to the terror of the people against individuals carrying weapons for lawful purposes. It also argues that the principle of constitutional liquidation should be used to find the Second Amendment protects a general right to carry arms for self-defense.

The article supports Mr. Young's claim that H.R.S. § 134-9 is unconstitutional both facially and as-applied by the County to Mr. Young. His as-applied challenge was raised in his complaint by his request for a carry permit from the County. *See* ER5. It was preserved in his combined opposition to the Defendants' Rule 12 motions where he argued H.R.S. § 134-9 "on its face and/or the application thereof, impairs the Second Amendment right to bear arms". *See* Doc. No. 29-2 at PageID# 142. And further preserved by his argument that "[g]iven the existing facts and the ACTIONS of [County] Defendant KUBOJIRI" his rights have been violated. *See Id.* at #143. It was preserved on appeal in his opening brief where he argued "HRS §134-9, as applied to Mr. Young" is unconstitutional. *See* Opening Brief at p. 10.

Early American laws respected a general right to carry arms. For the reasons raised in the briefing and those in the attached article, this Court should find H.R.S. § 134-9 violates Young's constitutional rights both facially and as applied to him by the County.

¹ *See* <https://ssrn.com/abstract=3697761>.

Yours very truly,

/s/ Alan Beck
Alan Beck

CERTIFICATE OF SERVICE

On this, the 10th day of November 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 this supplement has 282 words as calculated by Microsoft Office 365. I declare under penalty of perjury that the foregoing is true and correct.

Executed this the 10th day of November 2020

s/ Alan Beck