

June 1, 2021

To the Mayor of Newton and the City Council
citycouncil@newtonma.gov

Dear Mayor Fuller and City Councilors,

We write to you as longtime Newton residents, as lawyers, and as leaders of the Massachusetts Coalition to Prevent Gun Violence, to address the zoning issues surrounding the gun shop seeking to open on Washington Street near Newton North High School. As co-founders and leaders of the Board of the Massachusetts Coalition to Prevent Gun Violence, we have each dedicated more than a decade to reducing gun violence, including securing the passage of laws requiring background checks on private guns sales and the Extreme Risk Protection order law, which permits the removal of guns from those who pose a risk to themselves or others. We have built a Coalition of more than 100 member organizations statewide, all devoted to reducing gun violence, and pursued every avenue possible to reduce what we see as a scourge on this country.

In our view, taking into account our experience as gun violence prevention advocates and as lawyers, the current proposal to amend Newton's zoning to dramatically restrict gun shops is the most effective way to prevent gun violence and keep this city safe. The proposal keeps gun shops away from schools, churches, residences and other vulnerable sites, which due to the current land use in Newton appropriately makes it very difficult to open a gun shop in the City.

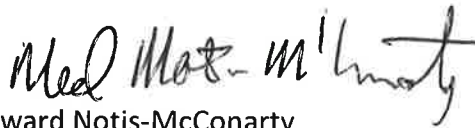
Some well-intentioned citizens are instead pressing for a ban on gun shops. While the underlying motivation of this proposal is laudable, a ban is more emotional than practical. The choice between tough zoning restrictions and a ban on gun shops is a matter of the risks and the benefits of each approach. The tough zoning restrictions have almost the same benefit as a ban, without the risks. Zoning has been repeatedly upheld as valid to protect public health and safety. On the other hand, the risks of a ban are dramatic and may well set back the effort to reduce gun violence in Newton and nationwide. A ban will almost certainly result in a lawsuit by the radical gun lobby, which is funded by the manufacture and sale of guns. Regardless of what the lower courts in this jurisdiction may do (and keep in mind that the U.S. District Court of *Massachusetts* just last year prevented Governor Baker from classifying gun shops as non-essential during the pandemic on the grounds that doing so unnecessarily infringed on the Second Amendment) any such case is likely to end up in the United States Supreme Court, a likelihood acknowledged even by the advocates for the ban. The gun lobby has succeeded in its long campaign to pack the courts, and the Supreme Court in particular, with sympathetic judges. If offered the opportunity, there is a distinct possibility that the Supreme Court will dramatically expand gun rights and restrict good-faith efforts to prevent the proliferation of guns and the trauma and deaths which inevitably result.

As longtime activists for gun violence prevention, we see terrible risks in a gun shop ban, and little practical benefit over a tough zoning ordinance.

We urge you to vote in favor of the strict zoning ordinance rather than the ban, as emotionally satisfying as a ban might seem. In the long-term, a ban is likely to make all of us less safe.



Janet Goldenberg
President, MA Coalition to Prevent Gun Violence



Edward Notis-McConarty
Board member, MA Coalition to Prevent Gun Violence

Below is a list of additional Newton lawyers, many with respected expertise in zoning matters, who have expressed their support for the views expressed in this letter:

Diane Tillotson
Alan Schlesinger
Emily Murphy
David Banash
Mary K. Ryan
Kurt Kusiak
Theresa Banash
Richard Goldenberg
Lori Silver
Peter Lefkowitz
Lucy Heenan Ewins
Michael Chinitz
Laura Rees Acosta
Naomi Bass Grace
Steven J. Buchbinder
Leonard M. Davidson