

Stephen Gutowski (00:02.768)

All right. Welcome, ladies and gentlemen, to another episode of the Weekly Reload Podcast. I'm your host, Stephen Gutowski. I'm also a CNN contributor and the founder of thereload.com where you can head over and sign up for our free weekly newsletter. If you want to keep up to date with what's going on with guns in America, you can of course also buy a membership if you want to get exclusive access to hundreds of pieces of analysis and reporting that you will not find anywhere else on the internet or in print or wherever. this week,

We are going to be talking about Hawaii and pretty fascinating turn of events that has happened down there. And we're talking with the man who kind of catalyzed this action, I think. We have gun rights lawyer, Alan Beck with us again on the show. Welcome, welcome back, Alan. How are you doing?

Alan Beck (00:48.551)

I'm doing well. Thanks for having me, Stephen.

Stephen Gutowski (00:50.916)

Absolutely. Can you tell people just a little bit about your background for anyone who might not have heard of you before?

Alan Beck (00:56.487)

I'm a solo practitioner based out of San Diego. I work in both California, DC and Hawaii primarily. And I focus on civil rights litigation all throughout the country. And I also do mass torts, personal injury.

Stephen Gutowski (01:20.774)

And a lot of your work deals with obviously the second amendment. And I suppose in this case, not just people usually associate that exclusively with firearms, but of course it's not limited to just firearms. There's plenty of other arms that are protected on their second amendment. And a lot of your work has, has been in that area, whether it's stun guns or knife cases in this particular circumstance. We're talking about, I guess, butterfly knives primarily, right?

Alan Beck (01:51.271)

That's right. I've done most of the federal civil litigation that's happened regarding weapons other than firearms. In the Heller case, Justice Scalia was very clear that the Second Amendment applies to arms and not just firearms. And he defined an arm as anything that...

you can take into your hands to strike another person in wrath or carry upon your person to defend yourself. So that means any bearable arms or bearable armor is protected. And that definition comes from a colonial era dictionary by Timothy Cunningham, which was published in 1751. And he had a

and just clearly quoted to a couple other dictionary definitions of colonial era come with that definition of arms. So we see that from a textual level that arms encompasses more than firearms. And from a historical perspective, we can see that during the, our founding fathers believed that this applied and as a practical matter, you know, I mean, colonial militiamen.

carry knives, they would carry clubs, they would carry a variety of different weapons that weren't firearms to engage in lawful self-defense and militia purposes. So that's something that I've taken into my practice and you know to a large degree because no one else was interested in the subject I have been the attorney that's done a good deal of litigation on this issue first with stun guns and tasers.

as you had previously covered, you know, myself and my co-counsel in those matters, Steven Stambalia, went across the country and we removed majority of the stun gun and taser laws in the country. And a couple other lawyers took care of a couple of the remaining states. And, you know, recently I've been litigating the issues of billy clubs and...

Alan Beck (04:16.081)

Last year we overturned Hawaii's ban on the carry of billy clubs and this year we overturned California's ban on billy

clubs. And just in case anyone is wondering what a billy club is, it encompasses basically any club. Maybe the most popular version of billy club is like the ASP, that's the collapsible baton that most police departments have nowadays. And...

Stephen Gutowski (04:40.198)

Yeah, the one where you can whip it out and it extends and it's like a self-defense baton thing.

Alan Beck (04:46.907)

Absolutely, and you know something else that I've been working on is you know the issue of knives and we have litigation on both butterfly knives and switchblades and

Stephen Gutowski (04:59.846)

Right. And actually, we've had you on the show before and we've talked about some of your work in the past as well because I think if you look around, obviously the gun cases get a lot of attention because that's where a lot of people focus their efforts and what most people would use for self-defense. But in the wake of Heller and especially a 2016 case called Seytana, which dealt directly with stun guns, said that stun guns are protected by the Second Amendment and can't be banned.

outright and you've all these cases you've done in that time period I think you've actually been the one responsible for overturning most the largest number of arms restrictions via Second Amendment cases in that time period right?

Alan Beck (05:45.241)

That's correct.

Yes, that's absolutely correct. And you know, it's...

Stephen Gutowski (05:51.11)

So, yeah, we're talking about like on the ground actual legal victories and changes to law from the Heller decision from the Supreme Court Second Amendment jurisprudence. You know, I think I'm pretty sure you've been the person who delivered most of those real world victories. And specifically today, we're talking about a change in law that

is interesting, is really interesting for a number of reasons. But one of them is that it seems to come in large part from a case that you litigated in Hawaii against their their butterfly knife ban, where you secured a victory at the federal court district level. And now Hawaii has responded with a total change to their law, right? Well, can you tell us just a little bit about what Hawaii has done here?

Alan Beck (06:49.031)

So in Hawaii, up until Monday, there was a law in effect, HRS 134 -51, that banned the carry of all dangerous and deadly weapons. They enumerated out a few weapons that were dangerous and deadly. Then they had a catch -all that said, and any other dangerous and deadly weapon. And what dangerous and deadly weapon?

is any weapon whose primary design is to injure another human being. And that includes self-defense. So in addition, Hawaii law banned the possession of switch blades and butterfly knives. And so for the most part, you couldn't carry hardly any

weapon in the state of Hawaii that unless you had a concealed carry permit that last year we received an injunction against the Billy Club Law, like I said, which was part of the dangerous deadly weapons statute, but the remainder of it stayed in effect. So on Monday, the governor of Hawaii, Josh Green passed the law.

bill that said that dangerous and deadly weapons can be carried now. The only thing that's prohibited is their concealed carry. And there's no other restrictions on the books for non-firearm weapons, which means that it's now legal to carry a halberd or a battle axe, if you'd like. And...

Stephen Gutowski (08:45.99)

Right, which people have been doing, right, since this happened.

Alan Beck (08:46.663)

You know, yes, yes, I don't know if it'll be possible for you to put up any of the photos I've sent you, but you know, one of my clients, my client for my Hawaii Taser case, which we won a couple years earlier, decided that he was going to excise his Second Amendment right to a 16th century halbert.

which to this day is used by the Swiss Guard to protect the Vatican. And that was 100 % legal. Absolutely. In addition, he had an 18 -inch Viking axe. And to put this in perspective, Halbert is about six feet long. So, and he was questioned by a few police officers about it, but you know, he kept a copy of the law in his pocket and he informed...

Stephen Gutowski (09:22.566)

Like a big axe thing, right? Yeah.

Alan Beck (09:44.199)

He informed law enforcement that everything he was doing was a compliance law, you know, a way he went. Recently, there's a...

Stephen Gutowski (09:52.614)

And yeah, and to that end, this came as a little bit of a surprise, this law, right? It wasn't something where like the Second Amendment activists in Hawaii were asking for Halberts to be part of this open carry law. This was something where the expansive nature of it came as a little bit of a surprise to people, right?

Alan Beck (10:15.975)

Yes, and I was surprised. Some of my colleagues, I honestly just think they were just sick of being sued. I mean, it's just Bob line. They've been sued over two years.

Stephen Gutowski (10:25.254)

Right. And I definitely want to get into that and some of the, cause I want to, you know, go to the legal side of this in a moment, but first, yeah, this is obviously kind of funny to some degree. what's, you know, this basically legalized all forms of bladed weapons for carrying around, including, you know, like you, you've mentioned here a couple of times, you know, sort of novelty things like Halberts and.

Claymores, not the explosive, but the swords. And people are having fun with this. You guys are also, I think, isn't there a rally or something coming up to that end as well?

Alan Beck (11:04.241)

Yes, absolutely. In June, we're going to be having a rally. And it's not just going to be just for fun. There's a lot of people in the martial arts community that, yeah.

Stephen Gutowski (11:22.15)

Yeah, that's the other side of this, right? This isn't just, it's fun, but these restrictions, there is a sort of serious aspect to it with tradition in Hawaii and certain types of martial arts and some weapons that are used in traditional martial arts have been banned in Hawaii for a long time, right? And that's part of this.

Alan Beck (11:42.439)

Yeah, this is the first time that people have been able to practice martial arts on the beach. As long as Hawaii has been a territory, these laws affect over a hundred years, people have not been able to do their traditional martial arts on the beach. There's a very large Filipino population in Hawaii. And there's also a lot of non -Filipinos that practice the Filipino martial arts.

expert in this case, very good friend of mine, Berkman Richardson. He's finally for the first time in all his decades of practicing Filipino martial arts, he's been able to take his students to the beach. And it's the first time he's been able to teach his students how to use the butterfly knife, because those were just completely banned. And you know, that's...

You know, just beyond the self-defense aspect of this, there's a cultural heritage aspect of this. I mean, martial arts are part of people's traditions, and especially in the Philippines. And there was absolutely, you know, I think this is a great win for American freedom, that people just simply live their lives, you know, without hurting anyone and have, you know, a martial arts practice at the park.

at the beach. Grandparents now are able to lawfully pass on a centuries-old tradition to their grandchildren. This is a real-world thing. I've spoken to people who are just overjoyed by this, that they're not teaching the use of the balisong in secret anymore because of the traditions that come down from the Philippines for hundreds of years.

now can be practiced in light. And more to the point, the Native Hawaiian population has never been able to carry the traditional Native Hawaiian weapons. Now, yes, it may be that there's modern weapons that are more practical, but from a cultural perspective, there's a lot of people that I've spoken to that would like to be able to,

Alan Beck (14:09.381)

carry their Native Hawaiian weapons. For example, there's a paddle the Native Hawaiians carried with a, it's basically a paddle board with shark's teeth around it. And you know, it's a Leo Mani. And you couldn't carry that to, you know, if you want to have a Native Hawaiian festival, you couldn't take it there and show people, you know.

It's just the act of, you know, were arguably violated law if you are going to your car with it, you know, in your hand. I mean, it's, this had a real impact on the Native Hawaiian people's ability to practice their culture, their cultural traditions. And part of that is the use of their tools and weapons they had. I mean, if you want to have a celebration,

and some of the youth want to dress up as Native Hawaiian warriors, you were violating the law in these circumstances because it was violating the dangerous deadly weapons statute. And that's something that I think is just important, overlooked by a lot of people. Also, I've been spoken people in the reenactment community.

There's a large Japanese population. There's a lot of people that practice Japanese swordsmanship. And there's also a lot of people that are part of the Renaissance Affair community. And, you know, it's being able to go to the park and doing the things you like to do. This impacts a lot of people because they had a dumb law in the books. And this law was made because a very long time ago, there were plantation workers that

the plantation owners didn't want to carry weapons around. So they made this all-encompassing law where you could engage in just basic self-defense and just basic life activities that are that bring, you know, that are part of people's cultural traditions and part of people's heritage.

Stephen Gutowski (16:27.142)

Yeah, so I know some people can look at it as some aspects of this is like a novelty thing or whatever, but it clearly goes well beyond that and can also be something to preserve heritage as you're mentioning here, in addition to, obviously you can use bladed weapons and self-defense and it's certainly something that a lot of people do in real life. But.

Alan Beck (16:27.559)

So.

Stephen Gutowski (16:54.598)

I don't think any of those reasons are, I don't even think the governor would claim any of those reasons as why this law was signed, why it was created. It seems much more likely that this was all enacted because of the lawsuit that you referred to earlier. And in fact, you had several lawsuits going that impact the situation here. Can you just tell us a little bit about what this law does?

to your lawsuit's teeter in particular, I think is the most important one. That was the one that got the federal court ruling on butterfly knives being protected by the second amendment. What happens now with that case and any of the other cases you've worked on?

Alan Beck (17:40.615)

Well, with Teeter, the new law allows for the open carry of any weapon that is a non -firearm weapon. However, it still prohibits the concealed carry of a weapon. Now, this is a clear attempt, this new law is a clear attempt to try and moot this issue, moot the lawsuit. And what mootness is, is that,

In order to be in a federal court, you have to have a case of controversy. And here we want an injunction against this law because arguably the law, at least from the government's perspective, the law is no longer in effect. There's no injunction the court can give out. That's at least the position they're taking in court right now. And the day after this law passed, they filed a motion dismissed on mootness grounds at the ninth circuit.

Stephen Gutowski (18:38.95)

Yeah, so there was clear connection, yeah.

Alan Beck (18:40.581)

Yeah, yeah, I mean this happened just right away. So, however, my clients, this is something that my expert, Bertham Richardson, established is that a butterfly knife really is designed to be carried in a concealed manner in the pocket. And that's just because the clip that most pocket knives have,

you put it right onto your pocket, you can't put one of those onto a butterfly knife due to just the mechanics of it. A butterfly knife, you have to open up two handles and sort of whip out the blade and a clip interferes with that process. So there's no practical manner to open carry a butterfly knife. And you know, unless someone's gonna just carry his butterfly knife in his hand all day, you know, it's a...

it has to go into the pocket. So we're in the process of explaining that to the court that the case is not moot because our clients both want to possess butterfly knives in their home and they want to carry them for purposes of lawful self - defense when they're going about their day. And due to the unique nature of the butterfly knife, it's extremely impractical to open carry one.

So it still constitutes a de facto ban. So yeah, that's something the courts gonna have to resolve though. Yeah, we already prevailed from a three judge panel at the Ninth Circuit and it's going in front of the Inbox Court in June. And now also there's a lot to be said about the timing here. The courts have said in the past that they don't look favorably on litigants, especially governments.

Stephen Gutowski (20:07.718)

Interesting.

Alan Beck (20:36.615)

trying to moot cases just right before hearings. And when there's connection to litigation and attempts to moot things, it heightens the burden. So yeah, so we're preparing the paperwork right now. That's actually what I was doing right before I talked to you. And...

Stephen Gutowski (20:53.222)

That's interesting. Yeah, because it's only we're one month out, right? And they're and they pass this law.

Alan Beck (21:05.831)

You know, it's, that's, I think the hearing is still gonna happen. We'll see what the Ninth Circuit says to that regard.

Stephen Gutowski (21:15.942)

Interesting. It does remind me a lot of the Supreme Court case that New York State Rifle and Pistol Association had the year before brewing happened, where they were challenging a New York City regulation on transporting firearms. And then the city and state had defended this, this law all the way up until the Supreme Court accepted review of it, at which point they changed the law.

to try and moot the case, which was successful. The plaintiffs in that case, even with all the timing looking the way that

very similar to timing here, where it seems pretty clearly in response to the lawsuit that this, that they've changed this law to avoid going further down the court trail here. But in that case, the Supreme Court allowed it to be mooted.

the the plaintiffs weren't able to find any sort of continuing controversy like you alluded to earlier as being a requirement. And although it sounds like maybe you have a little bit better a chance because you still have this this issue of the butter knife butterfly knives being practically impossible to open carry and still be made for concealed carry, which I guess in the Ninth Circuit that you.

You can ban one or the other is my understanding. How does the law work right now?

Alan Beck (22:44.807)

Yeah, yeah. Well, I mean, the law is not set yet in a post -burn. That typically is how a court of interpret it is that.

Stephen Gutowski (22:59.208)

you had another case. Sorry, I dropped something. You had another case that actually dealt with that. Young, which was also out of Hawaii on opening Terry.

Alan Beck (23:03.815)

Yeah, yeah, yeah. And that was pre -Bruhn. And at the time, the Ninth Circuit said concealed carry can be banned. And I happened to have a case that dealt in part with open carry that was heard just immediately afterwards. And of course, we won for our three judges. And then the 11 -judge and bench panel said,

Well, actually, you can completely ban carry. And that's why the US Supreme Court took the Young case. And of course, we overturned the Ninth Circuit in the Supreme Court. But post -Brun, it's unsettled what it is. But you're right. I mean, that seems to be the attitude of the courts is.

Stephen Gutowski (23:54.596)

Mm.

Alan Beck (24:03.239)

there has to be some meaningful method to self -defense. The Second Amendment right isn't to a particular mode of carry, it's a right to self -defense with an arm of your choice. So, but, so, yeah, that's something.

Stephen Gutowski (24:18.822)

And actually, go ahead, finish your thought there. Sorry.

Alan Beck (24:23.431)

But we're gonna find out the answer to that because *Bard v. Montana* is up at the Ninth Circuit and that's a challenge to California's open carry laws. So we will have an answer very soon on whether they can ban one method of carry.

Stephen Gutowski (24:39.224)

Okay.

Stephen Gutowski (24:43.27)

Okay. and then it just sort of leads into the next question I have, which is the, you know, the sorta pretty clear that what the timing, what they're trying to do with this law is, is to moot your, your case. But I, I'm interested in why they would want to do that at the point after the three judge panel sided with you. But before the en banc panel hears your case, when the en banc Ninth Circuit has.

basically ruled against gun rights litigants in every single circumstance, right?

Alan Beck (25:13.447)

Yeah, I mean, I think that they know that if the Inban court rules against me, that it is going to be a prime target for Supreme Court review. I mean, I think that's just what it boils down to. I mean, we've got two scenarios, well, three

scenarios. I've been won, I get lucky, and I get a favorable panel, and I win from the Inban court, and...

That impacts a whole lot of stuff, right? That impacts every single AR -15 case in the country. Or B, I get a negative ruling, but because we're dealing with a knife ban, the Supreme Court's, that gives the Supreme Court opportunity to rule on the hardware issue with something that's not nearly as controversial as say an AR -15 case. And,

Stephen Gutowski (26:10.054)

Right.

Alan Beck (26:10.791)

or see, you know, it's, well, this app, you know, they have to figure out a way to try and remove the case from the calendar. So, I mean, I think that that's what they'll bow down to is they were really concerned about being the next Heller.

Stephen Gutowski (26:30.086)

That's interesting. And it brings up a good point I think most people might not understand about the federal circuits, right? Usually people think of an en banc panel as the entire court, but in the Ninth Circuit, it's not literally every judge. You still are drawing a panel and the way the makeup of the Ninth Circuit, the way it's changed the last five to 10 years, it's not.

unthinkable to get a more conservative panel in an en banc here. It hasn't seemed to have happened yet in a gun case, but it's not impossible. So there's some risk there.

Alan Beck (26:58.567)

Yes.

Alan Beck (27:03.911)

But it has happened in the free speech context or free exercise context. Just late last year, there was a case that was really surprising that dealt with the free exercise clause. And then Bong Pail was majority conservative. And so it is conceivable to happen.

Stephen Gutowski (27:07.748)

Mm -hmm.

Stephen Gutowski (27:31.91)

Hmm. So there's a risk there, which might make them not want to take that jump. And then of course, even if they got a favorable ruling, there's the risk that the Supreme Court could want to take that case maybe over some of the other even more controversial cases. Like you mentioned, the sort of AR -15 bans or what have you might have a similar question at the core of it, but it's

You know, gonna be a much bigger deal if they take an AR -15 case over a butterfly knife case, right? It's sort of the maybe some of the strategic thinking going on. And so for you, that sounds a lot like Ren VDC. If you remember that case from years ago in the DC circuit where Washington DC had a ban on.

Alan Beck (28:02.727)

Absolutely.

Alan Beck (28:12.207)

Absolutely.

Stephen Gutowski (28:19.686)

concealed carry, then they put in a May issue law similar to what New York had in the brewing case, but this was several years before the Supreme Court took that New York case. And DC lost at the lower level in the federal courts and decided not to appeal any further and just sort of bit the bullet and changed their law to fall in line with what the

judge had ruled.

to try and avoid further legal fights. And so it sounds like maybe that's what's happened here. Hawaii's thinking, well, yeah, we'll have to pass this law that lets anybody carry a bladed weapon, but that's better than the potential outcome if we keep fighting from their point of view. Yeah.

Alan Beck (29:06.905)

I think stuff all that lines. Yeah. This is a clear attempt to try and curb a bad precedent in another arena. And also, you know, I think it's important to note that Hawaii doesn't exist in a vacuum and there's a lot of other states that are, they're working with a national law firm. And I'm sure there's coordination that's,

Stephen Gutowski (29:33.702)

Right.

Alan Beck (29:36.505)

occurring among the states.

Stephen Gutowski (29:38.662)

Yeah, because I mean, isn't Neil Cattell was the has been a lawyer for them in some cases in the past, right? OK, yeah.

Alan Beck (29:44.679)

Yeah, in this case, in the Teter case. And he was my opposing counsel when young. And he's also, I recently argued against him in a challenge to Hawaii's sensitive places law at the night circuit. So.

Stephen Gutowski (30:00.71)

So that's not something that Hawaii is probably doing on their own. And I think it hasn't. Every town has gotten involved with some of these cases as well directly.

Alan Beck (30:10.257)

Absolutely. They've been involved as amicus and they've in my magazine case, they've entered actually entered as they've sent their lawyers in to become deputy attorney generals temporarily for the case. And, you they've

Stephen Gutowski (30:25.732)

Right.

Yeah, which is not a super usual thing to happen, right? So, you know, the gun rights, the gun control movement is pretty interested in what's going on with these cases in Hawaii for sure. And I think that you can pretty well infer that, you know, the strategic thought behind this change in law.

Alan Beck (30:32.603)

Yes, yeah.

Alan Beck (30:53.799)

Yeah, no, absolutely. And there's definitely a national strategy going on, and that was made very clear in my sensitive places litigation. If your readers or viewers don't know, there's sensitive places law I'm referring to are laws that prohibit the carry of handguns, even if you have a concealed carry permit in the vast majority.

of the state of Hawaii. And what really struck me about it when I was preparing that lawsuit is well, after the Brewer's opinion, then after the Young opinion came down, which compelled everyone to start issuing permits, the...

the state of Hawaii passed a bill that banned carrying 95 % of the state. And...

Stephen Gutowski (31:56.71)

another sort of national trend that we've seen with at least in these states affected by brewing directly.

Alan Beck (31:58.919)

Yeah, and -

Alan Beck (32:03.079)

Yeah, and the law is virtually identical to California's law, New York, New Jersey, and Maryland's law. I mean, and the law they're trying to pass in Massachusetts, but to my knowledge, I don't think they've been successful at that. Kudos to the groups over there. But the point is that half a dozen states don't pass identical laws without a national coordination.

Stephen Gutowski (32:10.404)

Mm -hmm. Yep. Yeah.

Stephen Gutowski (32:20.582)

Not yet.

Stephen Gutowski (32:31.974)

Yeah, and not that that's totally unusual. I mean, you see this on the other side of the aisle as well. Permitless Carry is a perfect example of a similar movement from the gun rights side of things. But yes, I think it's very well established at this point that there's a national effort to get very similar legislation passed in these states. And I think that it's definitely, that type of coordination certainly extends to

Alan Beck (32:37.031)

Sure.

Stephen Gutowski (33:00.952)

you know, what the gun control groups recommend different states do in response to some of these lawsuits as well. You know, what's actually kind of funny and interesting to me too is like, while the gun control movement is putting a lot of resources into these Hawaii cases, you don't really see the same thing from the gun rights movement. You're kind of the only one doing this stuff.

Alan Beck (33:23.793)

Yeah, none of the national groups are active in Hawaii. And, you know, that's...

Stephen Gutowski (33:28.848)

No. Which is always surprising to me because you're getting like these cases are pretty, pretty, like, you know, there's, there's lots of cases going on right now, especially after Bruin. And, you know, like I don't run any of the groups or whatever, but it always seemed to me like Hawaii is pretty fertile ground for a lot of these kinds of challenges. And you've had, like we talked about quite a bit of success, going there.

Alan Beck (33:53.703)

Yeah, you know, I mean, I think it probably comes down to costs versus an ability to fundraise in Hawaii. Hawaii is not that big of a state. I think it's about a million and a half people. And, you know, it costs money to fly out there. So, I mean, it's presumably the various national groups just made a decision that it's simply not financially worthwhile to...

to let it get cases out there because it's...

Stephen Gutowski (34:25.99)

And to be fair, it is all the Ninth Circuit and California is also in the Ninth Circuit and has a lot of the same kind of laws, but I don't know, just always kind of interesting to see the different way that resources have been allocated from the two different movements here with a lot coming from the gun control people and not much from the other side.

Alan Beck (34:40.935)

Yeah, well, Hawaii has...

Yeah, I mean, I think the gun control groups maybe have a little bit better of a grasp on precedent and how these cases are all interrelated. And, you know, it's... But Hawaii also has a lot of very unique laws. I mean, that was one thing about the Keter case. There just aren't a lot of states that ban butterfly knives. You know, it's... Hawaii and New Mexico, they're the only ones that ban them. And...

Stephen Gutowski (35:07.012)

Yeah.

Right?

Stephen Gutowski (35:15.302)

They have a lot of very novel and strict weapons laws.

Alan Beck (35:15.897)

I -I -I -

Yeah, no, I filed a case which is at the Ninth Circuit, Yutaki v. Lopez. And there we struck, we had four different issues we were suing over. Two of them were county policies and two of them were state laws. And it essentially took, it was a five -part process to purchase a firearm. And...

You know, we three of those were trips to the police station for various things. And we were able to get the trips down to the police station down to one day from three. And we also got the hours the police station extended because prior to our litigation, the police station was only open until I think it was like 3 45. And now we've got extended hours so people can go there after work and.

You know, that's something that people just didn't face the rest of the country. Imagine trying to schedule three trips during business hours within, you know, one month period. That's a big infringement. We were able to win that before the Bruin opinion. We got the two state laws at issue struck down. One was a requirement that you bring your gun to the station. And in order to have it registered, the other one was a...

Stephen Gutowski (36:29.754)

Yeah.

Alan Beck (36:45.511)

that you use a handgun permit within 10 days after acquiring it. And then there were a couple other county policies. One was a county policy that you have to show up to the police station to physically receive your permit to acquire. We got them to start emailing it. But the point is, is that's, that's a, it a unique requirement. I think the courts, part of the reason we won throughout court case, we were able to point to the fact that, you know,

The rest of the United States isn't doing this and they don't have gun crime. I'm talking about the gun control states. You know, it's, if California and New Jersey don't think this is a good idea, I mean, why is it Hawaii's extreme outlier that's requiring multiple trips to the police station just to exercise a fundamental right?

Stephen Gutowski (37:34.918)

And courts like to go after the extreme outliers, especially the Supreme Court in their gun litigation to this point. So I don't know. It reminds me a lot of DC, to be honest, where Heller itself was not some big effort by the gun rights groups. You could say Bruin was, but.

Alan Beck (37:42.535)

Yeah.

Alan Beck (37:54.929)

I mean, I think to be fair to the, I mean, to be fair to the gun rights groups, I mean, I have, yeah, I have a legal practice in Hawaii. People know to call me. I have helped, you know, with a organization, you know, for many years now. Actually

the founder, there's two main founders of the first Hawaiian gun rights movement.

Stephen Gutowski (38:05.286)

Mm -hmm.

Alan Beck (38:24.603)

ever, one of them, I got his rights to own a firearm for him. And afterwards, him and two other people formed the first gun rights group, the Hawaii Firearms Coalition. And so I've been active with them since their inception. So, you know, I mean, I have an active part within the Hawaii structure. I also have a lot of friends and family that live there. So, you know, it's a little bit of a different dynamic if you're living.

Stephen Gutowski (38:50.214)

Sure. Sure.

Alan Beck (38:52.845)

If you're in Fairfax, just try to find Hawaii on a map.

Stephen Gutowski (38:58.246)

Yeah, yeah, yeah, look, and it's not to say that the gun rights groups that are active in legal challenges haven't had success, especially in the post Bruin landscape. They certainly have or even before then, or I just think there's some interesting similarities there with what's going on with your challenges in Hawaii and how DC has played out in a lot of cases where it's just not.

these, it's much less driven by national groups than, than maybe it should be, you know, I don't think maybe go more of the places that have these outlier laws and, and do more of these types of challenges that I don't know. It's, it's hard not to see, it's hard not to notice the lack of attention in these, these sorts of areas. Especially like I mentioned earlier, where the gun control groups,

seem to notice this and value what goes on in places like Hawaii and DC and be very strategic in how they think about litigation there or, you know, trying to influence legislation. Just not nearly the same effort on the other side. But I don't know. Yeah, it's something to think about. It's something I notice when I look at it at the least as a outside observer, analyst, reporter, not a lawyer.

or somebody in charge of any of the sort of litigation resources. I'm sure they have reasons why they do things the way they do. And obviously sometimes people like that come on the show and I ask them about those types of priorities and I will continue to do that. But it's just something I notice and it's interesting to talk to guys like you who kind of fill those gaps where you've with frankly quite a lot of success just.

objectively from the tracker.

Alan Beck (40:56.231)

Well, thank you. I mean, you would know better than me, Stephen. I'm just a humble solo practitioner, so I don't know what goes on at the big law firms and national groups.

Stephen Gutowski (41:12.038)

Yeah, yeah, yeah. Well, I only know so much, right? But either way, look, if people want to support the work that you're doing out there in Hawaii on some of these cases, which tend to sometimes have national implications or even make it to the Supreme Court like Young did, how can they do that?

Alan Beck (41:34.727)

Well, you know, I think that a donation to the Hawaii Firearms Coalition would be the best way. The Hawaii Firearms Coalition, as I said, was founded by my clients. Todd Yukitaki is my client in the registration case that I told you about. Andrew Roberts was a green card holder, and he couldn't own a gun until he met me because Hawaii banned green card holders from owning firearms.

And then, you know, those are the two main founders and John Abbott is the third person and he is my client in a challenge to Hawaii's ban on standard capacity magazines. And they do a very good job on volunteer, no one's getting paid. And every single dollar counts, you know, that's both to help me, my litigation.

You know, we do sometimes try and get the cost of these paid for. And also we spend a lot of time in the Hawaii legislature, both myself and many of the other volunteers at HIFICO are there. We take time off work. We lobby. There's a lot of bills that go, that don't get passed because, you know, a couple dozen very dedicated people are

take time out of their lives. So if anyone wants to look up the Hawaii Firearms Coalition and send them a small donation, I mean, that's something I'd be really appreciative of. And it wouldn't be money that would be wasted. There's no fat there. It's going to be used directly to pro -Second Amendment work.

Stephen Gutowski (43:26.628)
Hmm.

Stephen Gutowski (43:33.894)
And this event that you guys are holding with the open carry of these now legalized weapons, when do you have details on that?

Alan Beck (43:46.417)
It's going to be the weekend of June 22nd, 23rd. We're considering Javi on June 22nd, but that's not finalized. So most likely June 22nd. And yeah, you can find me on Facebook. You look for Artardi Allen Beck, or you can look for the Hawaii Firearms Coalition on both Twitter and Facebook or Instagram. And just give...

hopefully both myself and Hafeiqa of the Hawaii Farms Coalition to add. And we'll have the exact time on there after we've planned out a little bit more. So.

Stephen Gutowski (44:29.058)
All right. Well, hey, look, if people want to, there you go. If people want to take a trip to Hawaii or if anyone's listening in Hawaii, you know, there's the day you can, you can plan around to get out there. But.

Alan Beck (44:41.863)
Yeah, it's a well, you know, and it's real quick, you know, it's and we're also just to be clear, we're doing more than just, you know, medieval battle axes. I recently, last Friday, I was representing the Hawaii Farms Coalition and three individuals who had been waiting, two of them had been waiting.

Stephen Gutowski (44:56.87)
Yes.

Alan Beck (45:11.409)
a year for their concealed carry applications. And we filed a lawsuit against the County of Honolulu. And the third person had been waiting not quite as long, but pretty long time. And we said that that's a violation of my client's Second Amendment rights. I mean, and every other member of FICO is having to wait for concealed carry permit. It's, you know, so I said, yep.

Stephen Gutowski (45:34.47)
Sure.

Alan Beck (45:39.815)
They have to get their applications processed. And I think the county knew that they were the wrong. So we filed this lawsuit in March. I probably started working on it in February. And I had been contacted by several people in November and December that had this issue and resolved it informally with the city attorney's office. And I realized this is, by January, I realized this is just a systemic issue.

Stephen Gutowski (45:46.726)

Mm -hmm.

Alan Beck (46:08.871)

These weren't outliers, the people that contacted me in November and December. So I decided to get a lawsuit together. To the county's credit, they realized that the year is too long to wait to exercise a constitutional right. And now we have a stipulated injunction, which is very similar to a concept decree. It's a court order that both parties agree to. So it's same as...

winning a case that's with the authority of the federal court that all concealed carry permit applications have to be processed in 120 days. And in addition, rather than having to show up to this station, there's going to be a online system that's going to be built. That's something else that the county committed to. So I was very proud of both my work and my co -counsel, Kevin O 'Grady, in that case. You know, it's and,

Stephen Gutowski (46:46.47)

Okay.

Stephen Gutowski (47:04.934)

Mm -hmm. Well, a lot of progress, a lot of progress in Hawaii as of late, it sounds like, for your efforts there and for the other Second Amendment advocates.

Alan Beck (47:06.833)

I was very happy.

Alan Beck (47:16.423)

Yeah, it's a, I, we've got a lot of progress, you know, we've gotten several dozen different fixes in the past decade, but there's still more that needs to be done, to be honest. The state of Hawaii is, and the county has been extremely recalcitrant in allowing people to exercise their second amendment rights. I had a lawsuit last year against the big island of Hawaii where they,

Stephen Gutowski (47:26.566)

Mm -hmm.

Alan Beck (47:45.251)

we're requiring people to waive their attorney -client privilege and their spousal privilege and their parishioner privilege, priest -parishioner, along with all the other privileges. They expressly enumerate those out in order to have a CCW. And that's a little bit extreme if you think about it. You allow the police to go through your priest files, your doctor's files, your...

Attorneys files all your business secrets imagine if the reload you had to hand over all the reloads private financial documents to the police just be able to Carry a handgun. You know, there'd probably be something wrong with that. And yeah, I found a lawsuit on that and you know, I mean we won and they've had to get rid of that Waiver form, but I mean that's something that wouldn't happen in most places. I think Most places they just wouldn't think that that was a good idea

that they'd be able to be that intrusive. And there's other things. We have more lawsuits planned this year. I don't want to go on air about what they're going to be, but there are more lawsuits. There's a lot more work that needs to be done. But on the other hand, Steven, I've been at this. I started my career in Second Amendment law in 2011. I've been an attorney longer than that, but I filed my first Second Amendment case in 2011.

Stephen Gutowski (48:51.654)

Yeah.

Stephen Gutowski (48:56.198)

Well, look, we, yeah.

Alan Beck (49:12.711)

I can see finally a end to this. I can see in the near future where we're gonna get maybe not everything we want, but,

the general right to keep and carry a firearm is it's not gonna be that burdensome. And I think that the other major issues are gonna be resolved. There's always gonna be.

Stephen Gutowski (49:46.566)

Well, that's a pretty optimistic take there.

Alan Beck (49:50.407)

Yeah, I mean, assuming the composition of the Supreme Court stays the same, of course, Stephen. But I do realistically think that there's still gonna be a lot of stuff. But I think we're making progress. And I also think that the government in Hawaii is gonna realize that it can't treat...

weapons ownership and the right self -defense as something that is government grace, something that is a privilege for the government against you. I think they're finally being able to see that it really is a constitutional right they have to respect. And I think it's that change of mentality that's important because there will always be people that hate self -defense rights, but once you get them to start understanding that

this is something that has to be respected, is actually enshrined in the Constitution, then it becomes a situation where they're not, they at least will think about what they're doing before they start passing ill thought out things like making you waive your attorney -client privilege prior to exercising your rights.

Stephen Gutowski (51:12.07)

Right. All Well, we will, we will certainly want to have you back on, I think in the future when you file some of those new cases, but it's interesting to hear here you have such, I guess a positive outlook at this point after, you know, all these years of, of litigating down, down there. I don't know that I'm in Virginia. I don't know if down is, is the right direction for Hawaii, but, out there in Hawaii. and, and yeah, I mean, that's pretty.

Alan Beck (51:31.527)

Yeah, that's...

Stephen Gutowski (51:38.726)

Pretty interesting note to finish on. They seem to have quite a bit of optimism about where things are headed in all this, even though, like you said, I think there's gonna be quite a few more lawsuits before you get to that point, right?

Alan Beck (51:52.871)

Yeah, but you know, I mean, that's...

Stephen Gutowski (51:57.606)

But, yeah.

Alan Beck (51:58.823)

We're making progress. I think we're going the right direction. That's about it.

Stephen Gutowski (52:02.374)

There you go. All right. Well, well, I appreciate you coming on and sharing the latest in Hawaii. Because, you know, again, I think this obviously has a huge impact on the actual people in Hawaii. But I think that a lot of these cases and developments say a lot. Not only could they affect the rest of the country, but it says a lot about where the strategy is and the legal fight over over guns in America. You know, this this latest.

bit with this new law and the Teter lawsuit. I think, like I said, reminds me of some other points of where we've seen strategic retreats or advances on either side. And so I think it's something that's relevant to everyone across the entire nation. And so I appreciate you bringing your set of knowledge to us and explaining some of these things. And again, we'll have to have you back on in the future too.

and these new lawsuits come out or even teeter if you see what happens with that.

Alan Beck (53:04.839)

Yes, sir. Well, I'm always glad to be on, Stephen, and I'm happy to be back on whatever you'd like.

Stephen Gutowski (53:13.254)

Absolutely. Appreciate it. All right. Well, that's all we've got for this week. if you enjoy this sort of in -depth reporting that we do here at the reload with, you know, people who are directly involved in these sorts of cases and stories, you can head over to the reload .com and sign up for, our free newsletter or buy a membership today. If you want to support the reporting that we do, that is how we are able to fund our operation. That is how we can do these podcasts, how we can write.

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