



April 1, 2020  
by email to [jphillips@guilfordcountync.gov](mailto:jphillips@guilfordcountync.gov)

Hon. Jeff Phillips  
Chairman, Guilford County Board of Commissioners  
6108 Mountain Brook Road  
Greensboro, NC 27455

Re: Notice to Cease and Desist Deprivation of Constitutional Rights

Dear Chairman Phillips:

[Grass Roots North Carolina](#) and [Gun Owners of America](#) are nonprofit organizations representing the interests of many thousands of North Carolinians who value limited government and the right to keep and bear arms. Our members and supporters in Guilford County have been extremely concerned that the Guilford County shutdown hotline has advised callers that gun stores within the county must be closed pursuant to the updated joint [Proclamation](#) issued March 30, 2020. This letter urges you to adopt a better interpretation of the Proclamation that would permit Second Amendment related businesses in Guilford County to continue to function.

In our view, the business shut down provisions of the Proclamation do not, on their face, require gun stores and other Second Amendment related businesses to close. To be sure, the Proclamation states that “firearm and ammunition suppliers and retailers” may remain open for “purposes of safety and security” by supplying other “businesses and operations.” *Id.* at 11. This language might possibly be read to indicate that gun stores can remain open for sales to businesses but not sales to the public. However, this interpretation would be arbitrary and capricious, and would be like saying that Home Depot can remain open to sell lumber (essential), but not tile (not essential). For the reasons below, we believe the better reading of the Proclamation is that gun stores may serve all customers.

Additionally, we believe that other provisions in the Proclamation apply to exempt gun stores and similar businesses. For example, gun stores provide essential “services and supplies ... necessary to maintain the safety ... of residences.” *Id.* at 5-6, 9.

Moreover, the Proclamation exempts businesses that it calls “Essential Infrastructure,” which it identifies as “defined in the ‘Memorandum on Identification of Essential Critical Infrastructure Workers during COVID-19 Response’ from US Department of Homeland Security.”

*Id.* at 2. That memorandum was originally issued on [March 19, 2020](#), but was updated on [March 28, 2020](#) to include:

*Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.*

Thus, there are several good arguments that Second Amendment protected businesses such as gun stores and ranges within Guilford County do not fall under the closure orders in the Proclamation. Moreover, applying the Proclamation to gun stores would violate state law and both the federal and state constitutions.

Yet, in spite of the numerous reasons (discussed above) why Second Amendment related businesses should be considered exempt from any requirement to shut down under the Proclamation, county spokesmen answering phone calls to the Guilford County shutdown hotline (336-641-7527) have stated that, while firearm and ammunition retailers could remain open to serve essential businesses such as a sheriff or police department, they could not serve the general public.

On March 29, 2020, GRNC and GOA contacted Wake County, North Carolina officials, to raise similar concerns, including that statements by county officials had indicated that gun stores in Wake County were required to close under that county's Proclamation. We also pointed out the updates to the CISA list, and asked the county to reconsider its interpretation of its Proclamation as applied to gun stores and related businesses. Yesterday, March 30, 2020, we engaged in a productive dialogue with Wake County officials, who agreed that gun stores would be permitted to remain open during the county's emergency declaration.

We would hope that you, like Wake County, would reconsider the flawed position expressed by county spokesmen, or state that it is not the official Guilford County position, particularly in light of the change to the DHS CISA list of critical infrastructure, and also for the additional reasons outlined above.

Even so, your employees' statement that gun stores must stop serving the general public represents a credible threat of prosecution if gun stores were to remain open. GRNC and GOA are in the process of preparing litigation to challenge such deprivation of the constitutionally protected rights of our members and supporters in your jurisdiction on several bases, including those outlined above.

However, we have directed our lawyers to delay filing that litigation until at least 12:00 noon on Friday, April 3, 2020, to give you the opportunity to conform the county's position on Second Amendment businesses so that it conforms to the current updated CISA list of March 28, 2020, state law, and federal and state constitutional requirements. We request that you take this action without delay.

Please let us know by close of business tomorrow, Wednesday, as to whether you will be making that change to the county's stated interpretation of the Proclamation, in order to permit the continued operation of essential Second Amendment businesses such as gun stores and ranges within Guilford County, so that we can avoid unnecessary litigation. With best regards.

Sincerely,



Erich Pratt  
Senior Vice President  
Gun Owners of America



F. Paul Valone  
President  
Grass Roots North Carolina

cc: Mark Payne  
Guilford County Attorney