



Written by [Steve Byas](#) on January 12, 2016

## Lawsuit Challenges Anti-gun Policy in Oklahoma

Americans are rightfully distrustful of what President Barack Obama claims are “common sense” changes in the enforcement of federal gun laws designed to make Americans “safer,” while not infringing on the right to keep and bear arms.

When politicians such as Obama and Hillary Clinton (who has said that she is “proud” of Obama’s recent executive orders regarding gun sales) say that they only want to keep guns out of the hands of criminals, and have no intention of confiscating firearms from law-abiding Americans, a large number of Americans simply do not believe them.



But when the family doctor asks, “Do you have a gun in the home?,” many will voluntarily give up that information. After all, they think, the doctor is not going to take away anyone’s guns. But there is a problem with this: Besides the fact that such questions collect information on who does and does not own a firearm, the implication is that the mere ownership of a gun is a potential *health* issue.

With this in mind, those who understand the importance of the right to keep and bear arms need to be aware of subtle encroachments on that right such as what is happening in Oklahoma.

In Oklahoma, the state Department of Human Services (OKDHS) has formulated a policy for foster and adoptive families which clearly infringes on the constitutionally protected right to keep and bear arms. The policy also implies that, like the seemingly innocent question from a physician about gun ownership, just possessing a gun is dangerous. In short, the policy states that those Oklahomans who are either foster parents or adoptive parents would be forbidden from possessing or carrying firearms in their vehicles or while their foster/adopted children are present.

Stephen and Krista Pursley, a married couple in Moore, Oklahoma, have sued because of the anti-gun policy of OKDHS. They are joined in their lawsuit against OKDHS Director Ed Lake by the Second Amendment Foundation (SAF), a nonprofit membership organization with more than 650,000 members and supporters across the country. SAF has also challenged Obama’s executive orders on gun control through a media campaign.

In the lawsuit, the Pursleys argue that the rule is in violation of the right to keep and bear arms protected by the Second Amendment to the U.S. Constitution, the equal protection provisions of the 14th Amendment, and the Constitution of the state of Oklahoma.

Alan Gottlieb, the founder and executive vice president of SAF, said of the new ruling: “This mandate for foster parents is not just restrictive, it’s ridiculous. Why should a foster parent be stripped of his or her right to self-defense,” or “the ability to defend their foster child simply to appease some bureaucrat’s anti-gun philosophy?”

In early 2014, OKDHS began distributing a “Weapons Safety Agreement” form to prospective foster and



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adoptive parents. According to the lawsuit, the potential parents would have to agree to keep their weapons in their homes in locked storage when not in use, to not carry their weapons if a child is present unless they are required to do so by their employer, and to keep any guns in an automobile unloaded, disabled, and stored in a locked container.

Sheree Powell, the communications director for OKDHS, argued, “Our agency policy does not prohibit gun ownership by foster parents. It does, however, require reasonable safety measures to protect the children” in the care of OKDHS.

Powell continued, “Agency leadership has, in fact, been diligently working in recent weeks to review, and, if necessary, revise its foster care weapons policy in order to address the interests of foster parents who are appropriately permitted to possess firearms.

One should note that “reasonable” is a word of choice for anti-gun politicians such as Obama and Clinton when it comes to their gun ownership restriction proposals. Their policies, in their minds, are always “reasonable.”

And, the bureaucrats at OKDHS maintain that they are the arbiters of who should be permitted to possess a gun.

Oklahoma’s laws permit those with a concealed carry permit to carry a firearm, either concealed or openly, yet the OKDHS policy makes no exception for parents who have such permits.

Stephen Pursley has had a concealed carry permit for 15 years, but is now not allowed to exercise his rights with that permit under rules promulgated by the OKDHS.

Pursley and his wife have had 34 foster children over the past several years, have adopted one, and are in the process of adopting another one. They also have a natural child in the home as well as a foster infant.

“It is completely unconstitutional and unfair that those persons who are providing a better life and environment for children through the state’s DHS foster care and adoption process would have to give up the fundamental rights of self-defense and defense of family in order to do so,” said David G. Slagle, an attorney from Illinois who is with SAF.

The implication of the anti-gun policy of OKDHS is quite clear: Firearms are simply too dangerous for even concealed carry permit holders to have them readily available for use if they are foster and/or adoptive parents. Acceptance of such a draconian policy establishes a *precedent*, which could prove useful to opponents of the constitutionally protected right to keep and bear arms. After all, it could be argued, if the state can arbitrarily restrict the gun possession rights of foster parents, why not *all* parents? Surely the health and safety of a couple’s *natural* children are just as important as those of foster and adopted children.

Once the philosophy behind this policy is accepted, the next step is logical. Any person with a child in the home, or in their automobile, must accept *reasonable* (as defined by anti-gun bureaucrats) restrictions on their gun-possession rights. And, if a bureaucrat can arbitrarily decide that weapons must be kept in locked storage in the home, then why could he or she not decide that a gun is simply too dangerous to be kept in a private home at all, if children are present?

This is an important lawsuit. If the Pursleys and the Second Amendment Foundation lose, one can expect anti-gun zealots to make every effort to adopt such policies in other states.



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