

Gun rights attorneys fight on despite tough climate

By: Pat Murphy March 29, 2018



Saugus attorney Jason A. Guida likens the challenge of defending gun owner rights in Massachusetts to “skating uphill.”

Wrentham’s Keith G. Langer calls on Greek mythology in trying to explain the challenge of arguing in favor of Second Amendment rights in the commonwealth’s courts. To Langer, the true comparison is to Sisyphus.

“You’re constantly struggling uphill and constantly being flattened when [the boulder] rolls back down on you,” Langer says.

Langer’s general practice includes a concentration in firearms in which he handles individual license applications and manufacturer certifications, in addition to defending gun owners facing criminal charges. He also served on the Firearms License Review Board from 2005 to 2012.

Guida also has extensive experience on the regulatory and

enforcement side of the issue, as a former director of the Massachusetts Firearms Records Bureau, Hampden County assistant district attorney, and legislative aide in the state Senate.

In private practice, Guida concentrates on matters involving firearms licensing, restoration of gun rights, and representing gun dealers. On the criminal side, he represents lawful gun owners who run afoul of the law, often times in cases involving claims of self-defense.

Though accustomed to being the underdogs in a blue state, both Guida and Langer are girding for tougher challenges ahead. They acknowledge that gun control advocates are in high fever with the rise of the March for Our Lives movement spawned by the mass shooting at Marjory Stoneman Douglas High School in Parkland, Florida.

Langer has little doubt that the turn of events will have a “chilling effect” on those attempting to exercise their rights under the Second Amendment.



“Lawful gun owners are being demonized,” Langer says. “We’re not the problem, but we’re being painted that way. It

will make it even more difficult to represent licensees and would-be licensees.”

Guida senses the fallout from the Parkland shooting may have more of a lasting impact than the nation’s response to past tragedies involving gun violence.

“This time feels a little different,” Guida says. “I feel it in the courts, I feel it in the clerk-magistrate hearings, and I feel it dealing with police chiefs. It’s very difficult right now to get those in power to make reasonable, logical decisions based on the law.”

Massachusetts lawyers have found federal courts more open to gun rights claims. For example, Langer authored the amicus brief in [Caetano v. Massachusetts](#) for the group Commonwealth Second Amendment. In Caetano, the U.S. Supreme Court directed the Supreme Judicial Court to reexamine its decision upholding the state’s stun gun ban.

More recently, U.S. District Court Judge Timothy S. Hillman [denied a motion to dismiss](#) a legal challenge to Attorney General Maura T. Healey’s ban on the sale of assault weapons.

Langer says people too easily dismiss the Second Amendment right to bear arms. He points out it is one of the 10 rights expressly enumerated in the Bill of Rights. “And it is an individual right, as the Supreme Court has noted,” Langer says.

For those in favor of further restricting gun rights, Guida responds that Massachusetts already has the “strictest and

most burdensome” firearm regime in the country. In particular, Guida points to state law giving “enormous discretion” to local police chiefs in deciding someone’s suitability for a firearm license.

“Your firearm license exists at the whim of the chief,” Langer says. “The license to carry exists at the whim of the chief.” In terms of combatting gun violence, Guida says the focus should be on ensuring access to mental health care. To Langer, the root problem with school shootings is the issue of bullying. He notes that most school shooters have a history of being the victims of bullies.

“[Activists] are going after gun owners and inert objects — guns,” Langer says. “They’re not addressing the real issue.”