

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

IVAN ANTONYUK, COREY JOHNSON, )  
ALFRED TERRILLE, JOSEPH MANN, )  
LESLIE LEMAN, and LAWRENCE )  
SLOANE, )

Plaintiffs, )

v. )

KATHLEEN HOCHUL, in her Official )  
Capacity as Governor of the State of New )  
York, KEVIN P. BRUEN, in his )  
Official Capacity as Superintendent of the )  
New York State Police, Judge MATTHEW )  
J. DORAN, in his Official Capacity as the )  
Licensing-official of Onondaga County, )  
WILLIAM FITZPATRICK, in his Official )  
Capacity as the Onondaga County District )  
Attorney, EUGENE CONWAY, in his )  
Official Capacity as the Sheriff of )  
Onondaga County, JOSEPH CECILE, in )  
his Official Capacity as the Chief of Police )  
of Syracuse, P. DAVID SOARES in his )  
Official Capacity as the District Attorney )  
of Albany County, GREGORY OAKES, )  
In his Official Capacity as the District )  
Attorney of Oswego County, DON )  
HILTON, in his Official Capacity as the )  
Sheriff of Oswego County, and JOSEPH )  
STANZIONE, in his Official Capacity as )  
the District Attorney of Greene County, )

Defendants. )  
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Civil Action No. \_\_\_\_\_

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**DECLARATION OF PASTOR JOSEPH MANN**

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Exhibit "8"

1. My name is Pastor Joseph Mann. I am a U.S. citizen and resident of New York, and I live in Oswego County. I am the pastor of Fellowship Baptist Church in Parish, New York. I am a member of Gun Owners of America, Inc., and thus am one of the individuals whose interests were represented by the organizational plaintiffs in *Antonyuk v. Bruen*, and in this case as well.

2. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained therein.

3. I am a law-abiding person, currently possesses and, since 2014, have maintained an New York carry permit authorizing me to possess and carry a handgun during the course of my employment. I am eligible to possess firearms in the State of New York, and have met all the qualifications for licensure, including having good moral character.

4. The recently enacted Concealed Carry Improvement Act ("CCIA"), however, in effect rescinds that permit. It makes off limits all the places I ordinarily possess my firearm, renders my church unable to provide for its own security, forces me to choose between my First and Second Amendment rights in pursuing my ministry and, indeed, utterly destroys my ability to possess firearms, even within my own home. I will be unable to comply with many of the CCIA's restrictions on our ministry, and thus I intend to continue various activities in violation of the CCIA, as explained in detail below.

5. The CCIA defines a "sensitive location" to include "any place of worship or religious observation" (subsection c). In such a location, "a person is guilty of criminal possession of a firearm ... when such person possesses a firearm...."

6. Painting with such broad and absurd strokes, one is left to wonder whether New York actually has banned *all religious observation* where firearms are present, as the Bible teaches that

“where two or three are gathered together in my name, there am I in the midst of them.” Matthew 18:20. In other words, a Christian family reading the Bible together, a Muslim family fasting during Ramadan, or a Jewish family lighting a menorah in the home, would seem to constitute a “place of worship or religious observation,” and thus none of these families could possess firearms within their own homes. Indeed, in early Christianity, churches were typically little more than small gatherings that occurred within the home. Acts 2:46 (“And they, continuing daily with one accord in the temple, and breaking bread from house to house, did eat their meat with gladness and singleness of heart.”); Acts 20:20. Even today, many smaller churches that do not have access to a designated “church” building continue to meet in the homes of their members. Each of these locations would seem to constitute a “place of worship or religious observation” where firearms are banned under the CCIA.

7. But even when applied to locations like Fellowship Baptist Church, that are explicitly designated as a “place of worship,” the CCIA is still patently immoral and unconstitutional.

8. Fellowship Baptist Church is a small ministry located in the rural upstate town of Parish, New York. We have morning and evening services every Sunday, together with an evening service every Wednesday. In addition, we regularly have other gatherings and events at the church, not only for church attendees but also the general public.

9. Prior to the CCIA’s designation of our church as a defenseless, gun-free zone, we have maintained a church security team, consisting of trusted church members who are licensed carry permit holders, and are designated to carry their firearms to provide security and protection to the congregation during worship services. Both myself and this team have received specialized firearms training from a firearms instructor who specializes in church security.

10. Under the CCIA, however, neither myself nor our security team may possess firearms on church property. And, since we are a small church, we are unable to afford to pay for private security who might be exempt from the CCIA. Nor do the taxpayers provide us with armed security or a constant police presence, unlike the Governor and legislators in Albany who have seen fit to disarm us.

11. Based on this Court's recent conclusion that "the CCIA's list of 'sensitive locations' is not deeply rooted in this Nation's historical tradition of firearm regulation," and because neither churches nor anything like them appears in the Supreme Court's list of traditional sensitive locations, I intend to continue to possess and carry my firearm while on church property, in violation of the CCIA.

12. As Pastor of Fellowship Baptist Church, I live in a parsonage on the property. Indeed, my residence is part of the same building as the sanctuary building. In other words, not only is my home on Church property but, in fact, it is part of the church.

13. Moreover, my home is used not only as my family's residence, but also by the church for church business. For example, we have had Bible studies, meetings of elders, and other church gatherings in my home.

14. In other words, under the CCIA, my home is now a "sensitive location." This means that I may not even "possess a firearm" within my own home, including a handgun for self-defense as expressly authorized under *District of Columbia v. Heller*.

15. As the CCIA makes it nearly impossible for ordinary persons such as myself to carry firearms in public, and makes it a felony for me to keep firearms in my own home, **the CCIA has completely eliminated my rights under the Second Amendment.**

16. Indeed, since I have for many years and still currently possess firearms within my home, it appears as though now I am already in violation of the CCIA by merely possessing an operable firearm in my home for self-defense, even though this conduct is protected under *Heller*.

17. The only way I could come into compliance with the CCIA would be to turn all of my firearms over to the government. In fact, New York City already has sent letters to persons with registered firearms at certain locations, notifying them that their premises have been deemed a “sensitive location,” and threatening that they now must turn their firearms over to the police.<sup>1</sup>

18. Under the CCIA, then, I am left with the choice to either hand over my firearms to the state, or to refuse to comply. In other words, as has happened throughout history, my prior registration of my firearms with the state now has led to the point of confiscation by the state. I refuse to surrender my firearms to New York State, even though my mere possession of firearms in my home appears to be directly criminalized by the CCIA.

19. In addition to destroying my Second Amendment rights, the CCIA deprives our church of the ability to make its own rules governing the carrying of firearms on church property. Unlike the CCIA’s restricted locations, there is no ability to opt out of the prohibitions on firearms in “sensitive locations.” Thus, I am unable to permit parishioners, even law-abiding ones with carry licenses and substantial training, to carry during services. We may not even have our church security team, of the type that have successfully stopped mass shootings in other states, such as Jack Wilson who stopped an intended mass shooter at the West Freeway Church of Christ in Texas,<sup>2</sup> or Charl Van Wyk, a churchgoer in South Africa who deterred “[a] group of attackers” who “stepped through the doorway and lobbed grenades affixed with nails at the congregation,”

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<sup>1</sup> <https://i.redd.it/m4uk6vzrr3l91.png>

<sup>2</sup> [https://en.wikipedia.org/wiki/West\\_Freeway\\_Church\\_of\\_Christ\\_shooting](https://en.wikipedia.org/wiki/West_Freeway_Church_of_Christ_shooting)

“[t]hen [] opened fire with their assault rifles.”<sup>3</sup> In fact, under the CCIA, Stephen Willeford presumably would today be a felon for stopping the Sutherland Springs church shooter with his AR-15.<sup>4</sup>

20. Unwilling to allow the CCIA to turn my church family into unarmed, defenseless sitting ducks, I have no choice but to violate this immoral, unbiblical, and unconstitutional law, and intend to continue to possess my firearm in my church and in my home.

21. As Martin Luther explained five centuries and five years ago: “Here I stand, I can do no other, so help me God. Amen.”

22. I am aware that First Deputy Superintendent Steven Nigrelli of the New York State Police, has threatened persons such as me who violate the CCIA with a policy of “zero tolerance,” and intends to arrest me for committing a felony for exercising an enumerated right.<sup>5</sup>

23. Likewise, at least one of the congregants in my church is in local law enforcement and, as part of the church, is aware of my inability to avoid violating the CCIA by keeping a firearm in my home on church property.

24. Additionally, Sheriff Don Hilton of Oswego County, although pro-gun, highly critical of CCIA, expressing support of Second Amendment rights, and who states his belief the CCIA to be unconstitutional and that much will be struck down, nevertheless has also made statements about

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<sup>3</sup> <https://www.wnd.com/2016/07/dodge-my-bullets-st-james-massacre-hero-pushes-self-defense/#MwgdPWoZ232ZP1bY.01/>

<sup>4</sup> [https://en.wikipedia.org/wiki/Sutherland\\_Springs\\_church\\_shooting](https://en.wikipedia.org/wiki/Sutherland_Springs_church_shooting)

<sup>5</sup> For example, First Deputy Superintendent Steven Nigrelli of the New York State Police stated that “[w]e ensured that the lawful, responsible gun owners have the tools now to remain compliant with the law. For those who choose to violate this law ... Governor, it's an easy message. I don't have to spell it out more than this. We'll have zero tolerance. If you violate this law, you will be arrested. Simple as that. Because the New York state troopers are standing ready to do our job to ensure ... all laws are enforced.” <https://youtu.be/gC1L2rrztQs?t=2281> (at 38:00 minutes). If that is not a credible threat of enforcement, it is hard to see what would be.

enforcement of the CCIA. For example, in a July 13, 2022 Facebook post, Sheriff Hilton stated that “I’ll be clear, as long as I’m the Sheriff in this county ... we’re going to be very conservative in enforcement of this law.”<sup>6</sup> However, even conservative enforcement is still enforcement. Likewise, in a July 20, 2022 Facebook post, the Sheriff explained how, “Under the new law, taking a legally licensed firearm into any sensitive area – such as a ... church ... is a felony punishable by up to 1 1/3 to 4 years in prison.” In other words, the Sheriff specifically articulated how my intended conduct is a felony. Finally, in an August 31, 2022 Facebook post, the Sheriff warned that “If you own a firearm please be aware of these new laws as they will effect [sic] all gun owners *whether we agree with them or not.*” Emphasis added.

25. I intend this act of civil disobedience because the CCIA violates not only my Second Amendment rights and those of my congregation, but also my free exercise of religion protected by the First Amendment. As an elder and the pastor of my church, I understand my role to be that of an under-Shepherd, under the authority of the chief Shepherd, Jesus Christ. I am instructed to “Feed the flock of God which is among you....” I Peter 5:1-4. Likewise, Acts 20:28 instructs “Take heed therefore unto yourselves, and to all the flock, over the which the Holy Ghost hath made you overseers, to feed the church of God, which he hath purchased with his own blood.” In other words, part of my duty is to provide protection for persons in my congregation, as shepherds do their flock. While that protection is primarily spiritual, I view providing physical protection to the best of my ability to be part of my duty as well.

26. In addition to the church ministry, Fellowship Baptist Church provides and has provided counseling and assistance in the context of many of the “sensitive location” settings in the CCIA, including to the homeless, youth, in the domestic violence and abuse setting, and others. To the

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<sup>6</sup> **Error! Main Document Only.** <https://www.facebook.com/SheriffDonHilton>

extent that our church operates in that capacity, the CCIA (subsection k) appears to prohibit our possession of firearms as well, and thus inhibits our ability to provide security for those under our care.

27. Indeed, there has been more than one situation over my years as a pastor where the security of myself, my family, and the members of our church has been far from a guarantee. In such situations, I have felt necessary to be armed with my handgun, not in any way wishing to use it, but being prepared to defend myself and others if the need arose.

28. In addition to being a place of “religious observation,” Fellowship Baptist Church also provides an addiction recovery ministry through “RU Recovery.” In that capacity, I frequently have traveled to the homes of persons addicted to drugs, in order to counsel them to seek help and voluntarily enter treatment. In this role, I have carried my firearm for my own defense and the defense of others. Drug users are often unpredictable, do not think and reason clearly, and potentially can present a risk to themselves or others. The CCIA, however, makes it impossible for me to both perform this ministry and also carry my firearm, as it declares all private property to be a “restricted location,” and requires me to obtain the “express consent” of a drug user (often high on drugs) before entering his or her home to provide help. That is an absurd choice (either stop helping people, or forfeit my constitutional rights), and I cannot comply. Rather, but for the CCIA, I would intend to continue to carry my firearm while providing this ministry, as I have in the past.

29. Moreover, as part of the RU Recovery program, we have brought persons in the program to church property for counseling and care. To that extent, the CCIA appears to separately ban firearms, as in “any location providing health, behavioral health, or chemical dependence care or



services” (subsection b). I cannot comply with that prohibition, and intend to continue to operate as I always have with respect to possessing my firearms at the church.

30. Next, during our Sunday services, Fellowship Baptist Church has a nursery, a Sunday School, and a Junior Church, both of which cater to the younger members of our congregation. It would appear that the CCIA separately would prohibit me, our staff, and our church security from providing security to our children, as it bans firearms at “nursery schools, preschools, and summer camps” (subsection f). I cannot comply with that restriction, and I intend to continue to possess firearms on church property to protect our entire congregation, including our children.

31. Additionally, Fellowship Baptist Church offers its facilities to a local homeschool coop, wherein we provide students not only with a place to meet and interact, but also my wife and I teach various classes to the students, including foreign language classes, including in my home. In other words, our church at times operates as a school for the education of children, and thus firearms are once again banned on church property (subsection m) by the CCIA. I cannot comply with that restriction, and intend to continue to operate as I always have with respect to possessing firearms at the church, in order to protect our entire congregation, including our students when they are under our care.

32. Likewise, the CCIA places off limits “any gathering of individuals to collectively express their constitutional rights to ... assemble[.]” Subsection s. This would seem to seem to cover a church service. To the extent that this section covers our church activities, I do not intend to comply.

33. Next, our church also maintains both a church bus and a church van which we use for church business to travel to various locations. We routinely take our own church members, our youth, and members of the public with us when we travel. Widely banning firearms in “public

transportation” vehicles, the CCIA appears as if it might ban possession of a firearm in our “bus[]” (subsection n), even if, hypothetically, a group of men from the church met with their firearms to go on a hunting trip, or to the shooting range. To the extent that the CCIA applies to our church bus or van, I do not intend to comply.

34. Finally, notwithstanding that our church is specifically listed in the CCIA as off-limits, it separately appears to be covered by another section of the CCIA, in that our church plays music before, during, and after worship services, and the CCIA bans firearms at a “performance venue” or “concert[]” (subsection p) and additionally a “banquet hall” as we often break bread together. The CCIA does not appear to include an exemption even for the Lord’s Supper (the Sacrament).

35. The principle of self-defense and defense of others is well established in Scripture. Many who oppose gun ownership are quick to refer to Isaiah 2:4: “[T]hey shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.” However, that verse applies only to the Millennial Kingdom when Christ rules. The verse that applies to this time is Joel 3:10 which teaches the exact opposite: “Beat your plowshares into swords and your pruninghooks into spears: let the weak say, I am strong.”

36. When Jesus was instructing his followers at the Last Supper to go out into the world after he would leave his earthly ministry, he made it clear that they would need to be armed: “Then said he unto them ... and he that hath no sword, let him sell his garment, and buy one.” Luke 22:36. I view a firearm as today’s equivalent to a sword in those days.

37. In addition to its Biblical roots, the principle of self-defense and defense of others is built into the common law, which had Christianity as its core. St. George Tucker’s version of Blackstone’s Commentaries states: “This may be considered as the true palladium of liberty.... The

right of self defence is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.”<sup>7</sup>

38. St. George Tucker was expressing a Biblically-based truth with which I agree. Governments which restrict the Biblical, inherent, right of self-defense and defense of others are moving the state to the annihilation of liberty and the bringing the nation to the brink of destruction.

39. Particularly as a pastor of my church, I view any act by a governmental entity to disarm me as a violation of my right of self-defense and to defend others. Such a law would be unrighteous, rendering me incapable of carrying out my duty to defend of myself, my family, and my congregation. “No man can enter into a strong man’s house, and spoil his goods, except he will first bind the strong man; and then he will spoil his house.” Mark 3:27. With enactment of the CCIA, the government seeks to bind me by disarming me, rendering me unable to protect those entrusted to me.

40. I believe that God has ordained and created all authority consisting of three basic institutions: 1) the home; 2) the church; and 3) the state. Every person is subject to these authorities, but all (including the authorities themselves) are answerable to God and governed by His Word. God has given each institution specific Biblical responsibilities and balanced those responsibilities with the understanding that *no institution has the right to infringe upon the other*. The home, the church, and the state are equal and sovereign in their respective Biblically assigned spheres of responsibility under God (Romans 13:1-7; Ephesians 5:22-24; Hebrews 13:17; 1 Peter 2:13-14).

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<sup>7</sup> <https://press-pubs.uchicago.edu/founders/documents/amendIIIs7.html>


41. The CCIA, however, alters and usurps that balance, intruding into matters of the church. Moreover, as this Court has explained, the CCIA upsets the constitutional balance and violates enumerated rights. As “[a] Law repugnant to the Constitution is void” (*Marbury vs. Madison*, 5 US (2 Cranch) 137, 174, 176, (1803)), I cannot comply with its unconstitutional restrictions.

42. Whenever possible, I obey the law of the civil government. However, in the book of Acts, we learn that Peter and the other Apostles were ordered not to teach in the name of Jesus. Obedience to that order would constitute disobedience to God. How was this to be resolved? In Acts 5:29, we are told: “Then Peter and the other apostles answered and said, We ought to obey God rather than men.”

43. Therefore, for Bible-believing Christians, it is clear that there may be times in which the civil authorities direct us to do what we cannot do while fulfilling our duty to God. In such circumstances, we are to obey God, and not men. This is one of those times.

I declare under penalty of perjury that the foregoing is true and correct.

September 19, 2022  
Date

  
Joseph Mann