



Firing Lines

Fighting for your Second Amendment Rights since 1965

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Volume XXIX, Issue IV

July/August 2020

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We are S.C.O.P.E.

We get no air time on CNN.

We don't riot and burn things down.

We go to work and support our families.

We love America.

We salute the flag.

We say the Pledge of Allegiance.

We sing the Star Spangled Banner while standing.

We respect law enforcement and we obey the law.

We appreciate the military.

We use guns safely and legally.

We defend the Constitution and especially the 2nd Amendment.

We support conservation and hunting.

We will vote in November to take back our country

We are S.C.O.P.E.

Join SCOPE Today!
SCOPEny2A.org

"Guns are our friends because in a country without guns, I'm what's known as "prey." All females are."

Ann Coulter

"Foolish liberals who are trying to read the Second Amendment out of the Constitution by claiming it's not an individual right or that it's too much of a public safety hazard, don't see the danger in the big picture. They're courting disaster by encouraging others to use the same means to eliminate portions of the Constitution *they* don't like."

Alan Dershowitz

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518.330.7732
Meetings 2nd Tuesday 7:00pm
Nassau Sportsmen's Club

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7:00pm
American Legion Post 531,
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Cayuga Chapter
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Meetings 2nd Thursday
7:00pm
Masonic Lodge Weedsport,
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Chairman Will Conta
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Meetings 3rd Tuesday 7:00pm
VFW Post 8647 Mayville, NY

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Delaware Chapter
Chairwoman Andrea Elliot

Newsletter Deadline for the *Firing Lines*

Firing Lines is printed every two months. The deadlines are **January 15, March 15, May 15, July 15, September 15 and November 15.**

We do take articles from you, our members. They are subject to editing for spelling and grammar. We also reserve the right not to print the article.

Articles should be emailed as a file. Text or basic Word document formats are preferred. Please pictures in JPG format. NO PDF files. Thank You

FIRING LINES

Editor - Ralph Esposito

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and FIRING LINES

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Firing Lines allows S.C.O.P.E. to keep members informed on issues in regards to defense of the 2nd Amendment, in particular, and the Constitution in general. It is also an opportunity for members to voice their opinions and concerns on those subjects; as such, it contains a variety of personal opinions. It should not be taken as representing the official position of S.C.O.P.E. or its officers and members unless so stated. Readers should remember that it is not meant to constitute legal advice

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Jefferson-Lewis Chapter
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315.649.3424
Meetings 3rd Monday 7:00pm
Gander Outdoor Salmon Run
Mall

Monroe Chapter
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Meetings 4th Tuesday 7:00pm
Elks Lodge 24 Henrietta, NY

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Meetings 2nd Monday 7:00pm
Fraternal Order of Eagles
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Chairman Tim Maher
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Meetings 3rd Monday 7:00pm
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Meetings 3rd Monday 7:00pm
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Meetings 3rd Thursday
7:00pm

Alternate venue every 3
months
Jan/Feb/March/Jul/Aug/Sep:
Carlisle Town Hall Carlisle,
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Apr/May/June/Oct/Nov:
Middleburgh R&G Club Mid-
dleburgh, NY

Schuyler Chapter
Chairman Steven Getman
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Meetings 2nd Thursday
7:00pm
Jan/Mar/May/Oct
Moose Lodge Montour Falls,
NY

Seneca Chapter
Chairman John Christensen
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315.651.8753
Meetings 4th Tuesday 7:00pm
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Chairman Doug Mitchell

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(Continued from page 2)

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Meetings 1st & 3rd Mondays
7:00pm
Bath Rod & Gun Club Bath,
NY

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Chairman Sherman Kearns
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scope@gmail.com
631.806.1171
Meetings 4th Thursday 6:30pm
Dark Storm Industries Oak-
dale, NY

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Meetings 2nd Wednesday
7:00pm

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Marion, NY

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Chairman Gary Gardner
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Meetings 2nd Thursday
7:00pm
Dept. of Social Services Bldg.
Warsaw, NY

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Check your address label for your renewal date

With this newsletter your expiration date is included on the address label. It will save SCOPE time and money if you can renew your membership a month or two before your membership is due to expire.

You can use the membership application in the newsletter or go online to www.Scopeny2A.org to renew.

Thank you

Renew your membership today!

SCOPE-PAC

Political Action Committee

Effectively defending the 2nd Amendment requires us to go on the offensive. We cannot wait, unprepared, for the next assault from the radical left. Although we may have a friend in the White House, Cuomo and the radical left still reside in Albany.

SCOPE Inc. works to educate the public and influence legislation while SCOPE-PAC is a separate, all volunteer organization and can provide direct financial support to candidates and promote legislation safeguarding the 2nd Amendment. Money is the "Mother's Milk" of politics.

Politicians and candidates look at each individual and organization in terms of can they help, can they hurt me or do they matter at all. We can help candidates in a number of ways but the most effective is with money, that's where SCOPE PAC comes in and where each individual gun owner can help. There is estimated to be about 4 million gun owners in New York and if all those gun owners just donated a dollar each month we would have millions to work with. All we are asking is that you, our members and other gun owners donate at least that much to SCOPE PAC. It's not a lot to ask, so please help.

The time to begin building up cash reserves for that election cycle is now, when smaller donations given over time can mount up into a significant amount and will make a difference. Please consider making a donation now, no matter how small, to SCOPE-PAC and again whenever you can afford to support the 2nd Amendment



SCOPE-PAC
P.O. Box 12711
Rochester, NY 14612

Or online at:
www.SCOPEPAC.com



Do we really have a constitution?

By Tim Andrews
SCOPE Director

In the January/February issue of Firing Lines, I wrote a column titled, "Do we really have a Second Amendment?" The column focused on how our Second Amendment rights are being *legislated* out of existence; emphasis on "legislated."

Just a few months later, new threats resulting from the COVID-19 pandemic have surfaced. New York, as well as other states around the country, have classified gun shops and gun clubs as non-essential; they cannot open. In contrast, President Trump and the federal government deemed gun shops as essential and, with social distancing guidelines, were permitted to be open. Some states have opened gun shops because of the fed's action but, as of this date, not New York.

As a result of the COVID-19 crisis, the State of New York has found a way to ban the sale of all firearms and ammunition without ever passing legislation. Because a NICS check is required for private sales between individuals, they are effectively banned. With issuing offices closed or with scaled back services, new pistol license applications are not being accepted. Some counties have said they are accepting license amendments by mail but since it is impossible to get a NICS check I'm not sure how useful that is. Governor Cuomo, by executive fiat, has temporarily repealed the Second Amendment. One man has decided that your rights and, more importantly, your life does not matter. Your Constitutional rights are non-essential. It is clear from this pandemic that either the state legislature or the courts need to check executive authority in New York. Instead, the legislature gave the governor even more power for the next year.

Keep in mind these closures have occurred while liquor stores as well as large box stores like Wal-Mart and Home Depot remain open. Golf courses were open while gun clubs were shut down. Cuomo has clearly declared war on gun ownership in New York. At some time, and perhaps by the time you read this, some of these closures might be lifted - maybe. Even if that is the case, the governor has found another way to neuter the Second Amendment that he can file away for future use. Once this bridge is crossed it gets easier to abridge your rights. Next time it could be any number of natural emergencies that would give the governor an excuse to restrict your Second Amendment rights.

The governor has not limited himself to just the Second Amendment, he's going after the entire Constitution; when was the last time you were able to attend church? Can't attend church, can't purchase a gun and you can't even get certain elective surgeries. But no worry, if you want an abortion that is still available. To Cuomo, the left's priorities are more essential than the Constitution. All of this is true hypocrisy and, worse, all our freedoms are hanging by a thread. This is why I amended the headline of my column from the January/February Firing Lines to read, "Do we really have a Constitution"?

Most of you are aware of the homeowner in St. Louis who was threatened by Black Lives Matter protesters; they broke down a gate, threatened the homeowner and his family, trespassed onto private property and even threatened to kill the family dog. As I am writing this, the homeowner told FOX News' Tucker Carlson that he believes that he'll be indicted. In an act of self-defense, the homeowner brandished an AR-15 and his wife a handgun to defend their home and they're the ones facing possible prosecution. Not the criminals who broke into private property and threatened them. Lawlessness is

encouraged and your inalienable right to self defense is under attack. Simultaneously, the same people who want to take your guns are now defunding police departments.

Take note of the last three years in Washington where even a three-star general is not afforded his rights under the constitution.

SCOPE has always been non-partisan; we are neither pro Republican nor Democrat. If a politician is pro-Second Amendment and pro Constitution, that's what matters. However, times have clearly changed and today's Democratic Party is not the Democratic Party of our mothers and fathers.

Evidence is clear that the Black Lives Matter (BLM) organization is a leftist Marxist organization and they also appear to be a fundraising arm of the Democrat party. Even the name, BLM is a false façade. If black lives really mattered, you would be hearing much more about the black lives lost on the streets of cities, like Chicago and New York. Many of those lives are children and even toddlers. The riots /protests are no longer about George Floyd, they're anarchy meant to take America down.

We are at a seminal moment in American history. We face a critical election this November at both the federal and state levels of government. It is clear that if Democrats take control of government at the federal level, they will impose their radical leftist agenda so that America will never be able to return. The good news is that "it's not over until the fat lady sings" and she hasn't sung yet. But will freedom loving Americans respond, primarily by voting? If we do not respond, we will deserve what we get. Our hope is in the hands of the American people. It is often said that voters have short memories, let's hope that's not true.

VOTE!

Lawless Governments and Your Rights

By Henry Kramer

How do people lose their constitutional rights? Suppose your City Council has eleven members, all of them of the radical left, and they vote 11 to 0 to ban all firearms from the City and to do so without compensation to those whose guns were taken away.

The City Council members know that what they have chosen to do is unconstitutional but they don't care about the constitution or any rights other people may have under that "outdated scrap of paper". During the Council meeting when they adopted the City law, the Council president said "We will prosecute any person in the City who owns or possesses a firearm, even an air rifle or a toy gun. If they don't like it, they can go to court."

You are outraged and are determined to go to court and fight for your rights. You visit your family lawyer who lays out for you the economic facts of life. She says that even if you win your suit, there is no "fee shifting" law that allows you to get back your own attorney's fees. Her fees are \$400 an hour and you pay whether you win or lose. So, you ask how much a suit will cost.

You are told that, at a minimum, you should budget for the trial at between \$25,000 to \$50,000. But she also warns you that even if you win in the federal district court, the City will probably drag you into the Court of Appeals. There will be depositions (basically interrogations), motions to the court, and procedural delays. It may take several years and ultimately cost you \$100,000 or more. And, she tells you, "If it looks like you are going to win and you have a very good chance to do that, the City Council will just rewrite the City or-

dinance slightly differently and make you start all over again. New York City just did that to NYSRPA."

But you point out, the City Council members know what they did was unconstitutional. Indeed, they do. They don't care. They have the resources to wear you out. And they aren't spending their own money, they are spending tax dollars - including your own taxes - against you in pursuit of their political agenda.

What recourse do you have?

First, you have your vote. Be sure and vote. If every friend of the 2nd Amendment voted, they would be a very powerful force. But for some reason, many (perhaps most) gun owners don't vote. By the way, politicians know that gun owners don't vote so they don't really care to spend their political capital defending gun issues, on principle.

Second, you can run for office yourself or help other like-minded people to run.

Third, find a group like SCOPE, NYSRPA or NRA that might help you finance your lawsuit. But keep in mind that when someone else pays for a lawsuit, they usually expect to control the case.

Fourth, if you can afford to pay the freight, yourself, take the City to court. They will have to spend similar money out of the public treasury for which they may be criticized. (Or not.) It is important to push back or you will lose your rights.

Fifth, stand up for the rights of other people who are opposing the loss of Constitutional rights other than the 2nd Amendment; religious freedom or freedom of speech for example. Don't allow lawless government people to take away any of

our freedoms. If we lose even one right, we open the door to losing others.

It speaks volumes about the politically correct left that to accomplish their ends they care not about the Constitution, about law, about rigging elections, or about the rights of those who disagree with them. For them, the end justifies the means. We must push back or we will lose our freedoms.

★★★★★★★★★★★★★★★★★★★★★
★ **Voter Registration** ★

★ Voter registration applica- ★
★ tions must be postmarked ★
★ no later than October 9, ★
★ 2020 and received by a ★
★ board of elections no later ★
★ than October 14, 2020 to ★
★ be eligible to vote in the ★
★ General Election. ★

★ In person registration by ★
★ October 9th. ★

★ **Election Day is** ★
★ **November 3rd** ★

★ To vote in next year's pri- ★
★ maries, a person must be ★
★ registered in that party ★
★ before this November's ★
★ election. ★

★ **Use your rights or lose** ★
★ **your rights...** ★

★★★★★★★★★★★★★★★★★★★★★

Please check your email for renewal reminders.
*If you have an email address listed with SCOPE,
your renewal reminder will now come via email.*

Police Violence

By James Tuttle

As I write this in late June, I'm totally disgusted watching the news stories of recent events and how they have been distorted by the leftist news media. Many of our current "leaders" either are completely incompetent, have no knowledge of the Constitution, or have no moral content. Their actions prove this. Several mayors reacted to outright violence and the destruction of public and private property by saying, in effect, "It's OK. Pull the police back and give up whole sections of the city to anarchists". I want to vomit. The current crop of "leaders" are not only worthless, but they are creating problems that rarely before existed.

We've seen and heard the emotional complaints over and over again of "Police Violence": it's the cop's fault; we need police reform; they need more training; they need to be more sensitive. How nice... Decisions based on emotions are usually faulty but that isn't stopping politicians or the media from fanning the flames.

I spent thirty years in law enforcement, graduated from the FBI's National Academy, hold degrees in Police Science, Business Administration and Hazardous Materials Administration. Between my active duty time and reserve duty, I have spent over twenty years in the military. I do not say this to brag or seek thanks but to prove that I know a few facts about the so called "Police Violence."

When law enforcement is sent to a call for help, they don't know what they are going to face. If a suspect has a long, violent criminal history and knows he is about to go back to prison, (which happens almost everywhere but NY), the suspect probably knows what he is going to do. The officer can only guess. It doesn't matter if that officer is white, black, Asian, Hispanic or whatever. They all

are going to come face to face with a suspect and they don't know whether or not they will suddenly be in a fight for their life- or someone else's. If the suspect has decided he is not going back to jail and you are not going to arrest him, the officer must instantly decide on a reaction.

When a suspect loses a fight as a result of his own actions, it's often labeled "police violence". It became "police violence" because the true haters and racists started calling it so, using lies and manipulation of facts.

What is called police violence, the officer calls fighting for his life. If you want to stop police violence, first, you must first stop violence against police. I repeat, if you want to stop police violence, first, you must first stop violence against police. To do that, you need a comprehensive set of laws that will stop violent actions against law enforcement. For instance, if you fight with law enforcement officers, you should go to jail for a lengthy period of time. If you run from police in a car, you're done driving for years, not days or months.

In the movie "The Untouchables", Sean Connery's character has a line about the stupidity of "bringing a knife to a gun fight". In the emotional, ill-conceived and stupid reactions to the current situation, some politicians are proposing that police be armed with more non-lethal weapons. Now, if we can only convince the criminals to fight fair and use more non-lethal weapons.

Officers face other issues when attempting to stop a car. Regardless of the reason for the stop, if the driver takes off and a high-speed chase ends in a serious accident, it becomes the officers' fault for chasing the suspect. Why not just let them go? Because, if the suspect ran, there was probably a reason and that reason was prior criminal activity. If they get away, they'll probably continue to engage in the criminal activity. When their next victim comes forward with

a complaint or an injury, it immediately becomes the officer's fault for allowing this to happen. If the officer had done his job, the suspect would be in jail. (Again, almost anywhere but NY.) Believe me when I say, there are hundreds of civil attorneys waiting to file a civil suit. (More on that later.)

Another problem area is the media. A basic rule of journalism is that it should never contain the writer's opinion; that's for the opinion/editorial page. The 1st Amendment of our Constitution protects the right to speak out against government without fear of reprisal and, within certain bounds, journalists can lie, misrepresent the truth or create violence. They forget that their obligation is to report the news, not create it. I wish the media could be held accountable for the problems and the damage they create by manipulating the facts. But the problem with this is that there is not one politician, DA, or judge with the nerve to do it. They are too concerned with either covering up for each other or their future news coverage prior to the next election. Instead, all efforts will go to placing restrictions upon police.

Allow me to bring up a practice that most of you are probably not aware of and you are seeing, without recognizing, in almost every complaint about "police brutality". A favorite ploy of defense attorneys is to sue on behalf of their client for a civil rights violation. "Drop the charges against my client, I'll drop the civil rights complaint" is the basic offer. Once the complaint is dropped, charges are reduced or dropped and everyone goes away happy. That is, everyone but the officer because the complaint stays in his record. The officer has no recourse for removing the complaint from his record. Any attorney in subsequent cases, who wants to sue, can access these records. The fact that the complaints are unfounded is immaterial, the attorney still gets them. Watch the news right

(Continued on page 8)

Deadly Physical Force

By Tom Reynolds

SCOPE members are likely concerned about the legal aspects of exercising their Second Amendment rights in the face of the recent national violence / "peaceful protests." SCOPE cannot give out legal advice and this is not intended as legal advice regarding the use of physical force including deadly physical force.

The following short summaries and actual reposts are from New York State Penal Code.

"Deadly physical force" means physical force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

Actual S 140.00.

"Premises" includes the term "building," as defined herein, and any real property.

Note: The generally accepted legal definition of real property is land, and anything growing on, affixed to, or built upon land. This also includes man-made buildings as well as crops. Real property is best characterized as property that doesn't move, or that is attached to the land. This is in contrast to personal property, which can be moved or transferred physically.

Short summary of S 35.15: Justification; use of physical force in defense of a person.

Subsection 2: A person may

not use deadly physical force upon another person... unless the actor reasonably believes that such other person is using or about to use deadly physical force... The actor is under no duty to retreat if he or she is... in his or her dwelling and not the initial aggressor.

Short summary of S 35.20: Justification; use of physical force in defense of premises and in defense of a person in the course of burglary.

Subsection 3: A person in possession or control of, or licensed or privileged to be in, a dwelling or an occupied building, who reasonably believes that another person is committing or attempting to commit a burglary of such dwelling or building, may use deadly physical force upon such other person when he or she reasonably believes such to be necessary to prevent or terminate the commission or attempted commission of such burglary.

Actual S 35.25: Justification; use of physical force to prevent or terminate larceny or criminal mischief.

A person may use physical force, but not deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to prevent or terminate what he or she reasonably believes to be the commission or attempted commission by such other person of larceny or of criminal mischief with respect to property other than premises.

Actual S 35.30.4: Justification; use of physical force in making an arrest.

A private person acting on his or her own account may use physical force, other than deadly physical force, upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; and may use deadly physical force for such purpose when he or she reasonably believes such to be necessary to: (a) Defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force.

Actual 120.14: Menacing in the second degree.

A person is guilty of menacing in the second degree when: 1. He or she intentionally places or attempts to place another person in reasonable fear of physical injury, serious physical injury or death by displaying a deadly weapon, dangerous instrument or what appears to be a pistol, revolver, rifle, shotgun, machine gun or other firearm. Menacing in the 2nd degree is a class A misdemeanor.



With the results in on the November elections, the battleground to save our Second Amendment Rights is now in the courts.

Court litigation is expensive and necessary and we need your help. Please donate today to help us fight Cuomo in the courts.

You can donate using your credit card at: www.Scopeny2A.org

Or you can mail a check to: SCOPE, PO Box 165, East Aurora, NY 14052

Please Donate Today

Outside the Box

By Tom Reynolds

In the past, the phrase, “think outside the box” was encouraged as creative but it’s something that political entities hate. For political purposes, they want to define all issues narrowly and keep the entire discussion within a narrow “box”. Those that think outside the box are a danger to them and must be ignored. SCOPE members need to avoid being “boxed in”.

Quite often, sentences or phrases are used out of context to convey a different meaning than when used in context; the “box” is the sentence standing apart on its own. For instance, when a Massachusetts Senator interviewed a Reagan nominee, the Senator quoted an article written by the nominee in which he said Reagan was “Simple”. Happily, other committee members forced the Senator to reluctantly (very reluctantly) read the whole article which actually said something like, “Reagan is simple in the same way that Washington, Jefferson and Lincoln were simple; they converted complex issues into simple solutions”. The Senator wanted the “box” to be whether or not Reagan was “Simple” and definitely not whether Reagan could be categorized with Washington, Jefferson and Lincoln.

We see that same basic strategy today. Why does Black Lives Matter call itself Black Lives Matter?

By naming themselves Black Lives Matter, they have narrowed the “box” to race only. They want the discussion to be totally about whether “all lives matter” or “police lives matter” or “unborn lives matter”(which they label as racist) to distract from any discussion of their real goals of power and control. Black Lives Matter’s founders and leaders have admitted that they are Marxists; Marxism is the nice liberal word for Communism. These same

people have also said that their goal is to destroy the current system, by violence if necessary; that’s anarchy. Americans would react differently to an open discussion around Communism and anarchy. Wouldn’t Anarchists or Communists be a more accurate name for the movement than Black Lives Matter? Instead of open discussion on their real goals, we are distracted into discussing what other lives matter.

The website of a branch of the Smithsonian Institution (paid for with your tax dollars) defines a “box” where white culture is linked to white privilege. The latter is vilified by them so, by extension, both are vilified. It defined the traits of “white culture” as: rugged individualism; emphasis on the scientific method; hard work to achieve success; objectivity; the nuclear family; work before play. Think about that for a moment; the deplored white privilege includes the scientific method, hard work to achieve success and objectivity!

Does the Smithsonian hope that scientists racing to find a cure / vaccine for the China Virus will stop practicing those white traits?

From a 2nd Amendment standpoint, those against us will cite statistics on gun deaths and create a “box” around a high number that is supposed to appall us. What is outside the “box” and not to be mentioned is that suicides are the majority of those deaths. The anti-gunners then quote statistics on the number of children killed by guns. What is outside that “box” is that the definition of children goes to 18 and most deaths are gang related.

Mark Twain is supposed to have said that “facts are facts but statistics are more pliable”.

With murder rates soaring, we are starting to hear that the problem is, “Easy access to guns”. There’s the “box”! Don’t mention the real problem, left wing governors and mayors who are destroying their

own cities with neglect. Don’t you dare mention the criminals released from prison by Cuomo before the China Virus hit. Forget the criminals released because of the China Virus. Don’t publish the re-arrest records of these same criminals. Don’t mention the treatment and defunding of police and their lowered morale. With mob violence going largely unpunished, don’t mention that criminals are emboldened to commit crimes since there is little fear of punishment. Nope, easy access to guns is the “box” and only it is to be discussed.

By the way, the “box” is only to be discussed, not debated. Debate means there is another side to the story and the left cannot allow that.

If we are to effectively defend America as embodied in our Constitution, we must be ready to think “outside the box” that liberals want to create and force the discussion into broader terms. When liberals speak, ask yourself, what is not being mentioned?

(Continued from page 6)

now and see the big deal made of the eighteen complaints the officer had in the George Floyd case. There is no mention of the validity of the complaints. We don’t know if there is no/some/all truth in the eighteen complaints - and the news media doesn’t care.

The people of New York should be very angry with our representatives for letting this happen. They have Sold You Out and several communities are now going to be open for continuous litigation.

In closing I leave you, again, with the thought: **YOU WILL NEVER STOP “POLICE VIOLENCE” UNTIL YOU FIRST STOP VIOLENCE AGAINST POLICE.**



Cuomo Or Your Lying Eyes

By Tom Reynolds

It is interesting to know the legal definitions of Riot, Unlawful Assembly and Anarchy from the New York State Penal Code and contrast those definitions with the “peaceful protests” we are seeing.

S 240.05 Riot in the second degree.

A person is guilty of riot in the second degree when, simultaneously with four or more other persons, he engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm. Riot in the second degree is a class A misdemeanor.

S 240.06 Riot in the first degree.

A person is guilty of riot in the first degree when he: 1. Simultaneously with ten or more other per-

sons, engages in tumultuous and violent conduct and thereby intentionally or recklessly causes or creates a grave risk of causing public alarm, and in the course of and as a result of such conduct, a person other than one of the participants suffers physical injury or substantial property damage occurs. Riot in the first degree is a class E felony.

S 240.08 Inciting to riot.

A person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm. Inciting to riot is a class A misdemeanor.

S 240.10 Unlawful assembly.

A person is guilty of unlawful assembly when he assembles with four or more other persons for the purpose of engaging or preparing to engage with them in tumultuous and

violent conduct likely to cause public alarm, or when, being present at an assembly which either has or develops such purpose, he remains there with intent to advance that purpose.

Actual S 240.15 Criminal anarchy.

A person is guilty of criminal anarchy when (a) he advocates the overthrow of the existing form of government of this state by violence.

We have all seen video of what Andrew Cuomo and Bill DiBlasio call “peaceful protests”. Now that you know the above definitions, do you believe Cuomo and DiBlasio or your lying eyes?



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Application is on page 12



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Common Sense versus Emotions

By Richard Rossi
Delaware County SCOPE

Once upon a time in America, common sense was, well, common. But not today. A friend of mine said in joking: "Common Sense is like a super power, it is unique". As we see today's events unfolding, I have to sadly and whole heartily agree. Only a few select individuals seem to currently possess this trait that was common amongst our Founding Fathers.

We are in a period of very troubling times for America as well as for our rights and freedoms. Illogical, emotional thinking and reactive actions have resulted in the complete lack of common sense to prevail in the face of the chaos that is upon our nation. While claiming that riots are 'free speech' and 'peaceful protests', we have seen Governors, Mayors and politicians siding with rioters and looters while allowing law-abiding citizens to be at the mercy of terrorist activities. We have seen the calls to defund/abolish our police departments across the country. Does anyone really believe this will resolve the problem and appease the protestors?

We have also seen an all-out attack on our history and culture under the false premise that removing symbols will erase our history and make today OK. Our history is what made America great – good or bad – and it is a permanent part of who we are.

It seems as though many segments of society have been injected with emotional venom that destroys anything that hints of logic. Everything from politics to the 'food police', with businesses and government agencies in between, reacting emotionally to the baseless whining of extremists rather than proceeding rationally, in ways that make sense.

The anti-gun / anti-Second Amendment establishment are front and center when it comes to subversives who loudly tell the biggest lies; so loud and so repetitive that low information viewers, listeners and readers end up believing them. Persistent back-biting, spiteful language and intentional lies have become the way of the world and the more outrageous the allegation the wider it is dissemi-

nated. As the old saying goes: "A lie can travel halfway around the world while the truth is putting on its shoes."

There are myriad reasons why the situation has developed to where it is now. Pick one – dumping down of schools, breakdown of the family unit, the overreach of "Big Brother", biased media with their political agenda, politicians pandering for votes and leaning whichever way the 'wind is blowing', the Anti-Trump factor and, just recently, the COVID 19 pandemic, cancel culture and the BLM movement.

Law-abiding citizens need to be extremely aware of our actions and how we behave in public and on 'social media' platforms. We must be careful of the image we project, lest we inadvertently defeat ourselves in the PR war that is raging against our Second Amendment Rights and Freedoms. But I am in no way suggesting that we relinquish our right of free speech and expression. We must aggressively defend all our rights as protected by our Founding Fathers and bestowed upon us by our Divine Creator. When we show pride and respect for everyone's rights under the Constitution, we not only demonstrate the untruths of the anti's lies, but we also inoculate ourselves against those same lies. It's our PR strategy to combat the assault on all of our rights.

This madness needs to stop immediately and the only way this will happen is if 'We The People' – the American law-abiding citizens of every political party or race - stand up and say enough is enough and save our country. One way we can do this is by voting!

God Bless our great nation and may she continue to stand for Liberty, Freedom and Justice for all. We can make a difference, IF we stand together. United we stand and divided we fall.

Checking Unelected Powers

By Tom Reynolds

The U.S. Constitution was not intended to create an efficient form of government (dictatorships are more effective). Our founders recog-

nized political ambition as a lust for power and set up a government with checks and balances that would protect citizens from their own government and protect citizens from the tyranny of the majority. They set up three coequal branches to offset and dilute the other branches' power (Legislative, Executive and Judicial). Each branch has distinct powers that mostly do not overlap the other branches' powers. The jealousy and ambitions of people in one branch were intended to keep in check the ambitions of people in the other branches.

After 231 years: the distinctions between the branches have become blurred; the ability to check or limit another branch's actions have been lessened and the Constitution is at risk. There has also arisen a de facto fourth branch, the entrenched bureaucracy placed in independent agencies who have been labelled "The Swamp" and who write regulations that govern so many aspects of our lives.

Why is this important to 2nd Amendment advocates and defenders of the Constitution? The Judicial Branch is pushing itself into the role of the preeminent branch of government. Power hungry, politically correct politicians would like to do away with our present form of an elected, capitalistic, free enterprise republic, a form that has served us well for two centuries. This would include nullifying the Bill of Rights. Previously, these politicians had to get elected to political office in order to try this and "we the people" had an opportunity to stop them on election day. But these power seekers have discovered that political appointments as unelected judges can bypass "we the people" and create an easier road to their goals.

The Constitution states that federal judges are appointed on "good behavior", for life, by the President, with the Senate's approval and judges can only be removed through impeachment by the legislative branch. In practice, the legislature has been loath to impeach judges as that would be seen as trying to force judges to make political decisions, instead of unbiased decisions. In theory, that

(Continued on page 15)

Reasons to vote

By Tom Rood
Yates County

November 4th is a do or die date for our US Constitution and its Bill of Rights. Our right to bear arms, which is protected – not granted – by the Second Amendment is on the line.

If you have been following the media, you know that Candidate Joe Biden has just about adopted most of the far left's political agenda. Included in that agenda is a gun confiscation effort to be headed by wannabe-Hispanic Robert Francis "Beto" O'Rourke. If the liberals take over our government in November, one of the first things they will do is come after your guns. That is a given. You can count on it. They have spelled this out over and over again.

The founders of our country knew that an armed citizenry was the deterrent to outsiders overthrowing our government. The Japanese Admiral Yamamoto quoted this fact during WWII. I do not think our founding fathers ever thought the threat would come from within. But there it is.

Gun confiscation is not the only important issue that is to be decided in this coming election.

We need to get our word out that it is not ok to defund our police departments. It is not ok to treat police officers as second-class citizens. It is not ok to give the rioters a slap on the hand and turn them loose to riot again. It is not ok to tear down our historical heritage. It is not ok to kneel during the pledge of allegiance to our country and its flag. It is not ok to call me racist because I was born white or because I stand for our Constitution or because I am a Republican and an NRA member.

Respect for authority has disappeared and we the silent majority must - we surely must - stand up for our ideals. Support those candidates who stand with us. Vote for them in November.

We need to send a message

that everyone will understand - one vote at a time.

The pandemic has achieved what six months ago was just a dream for those that oppose President Trump; the derailing of America's economic whirlwind. Thousands of jobs in Rochester NY will probably never return. In smaller numbers we will see the same in every community in western NY. Some businesses saw the light and took the downturn in the economy as an opportunity to relocate and left NY for greener pastures. Some will never reopen. Some may take years to recover – if ever. It will take months, perhaps a few years, to bring back the economy.

Additional government subsidies are not the answer to our economic recovery. Besides, we are getting close to the tipping point when it comes to the national debt. We cannot afford another big handout subsidy. it. But if any politician refuses, it will become a campaign issue to be exploited. No one in Washington seems to get that all the money thrown around by the U.S. government is borrowed currency. When lenders refuse to buy our paper, the ball game is over for the gravy train. We have added over four trillion just this year to the national debt and the politicians in Washington want to add even more right now.

We are going to see a big push for mail-in ballots for November election. It is a spin off from the pandemic. That is one reason why mail in ballot proponents want the pandemic to keep rolling on. It is a golden opportunity for voter fraud. Every fraudulent vote negates your Constitutional right as an American citizen.

We need your vote and the votes of those you know. Spread the word. Carry the torch of freedom; if we all do not, it goes out for good.

(Continued from page 14)

makes sense. In practice, it has severe unintended consequences. The primary one being that when judges are safe from impeachment, they suffer no consequences when they disregard the Constitution and their oath of office.

Making it worse is that decisions in the U.S. Supreme Court, based on that Court's nine lawyers' reading of the Constitution, are viewed as the final word, with no ability by the other government branches or "we the people" to reverse the decision. All other branches have real checks on all their powers, but not the judicial branch. The impeachment option, even if used, only allows the legislature to remove the judge but it does not nullify the judge's decision. A judge could be removed for legislating from the bench but his law would still stand.

The Judicial branch makes judgments on disputed issues but it cannot, per the Constitution, make laws. But what if a judge distorts the Constitution or makes laws instead of decisions, knowing there is virtually no possibility of being impeached? These decisions in the lowest court can be appealed to two higher courts, the Supreme Court being the highest. But during the appeal process, even unconstitutional laws are still the law-of-the-land and may be enforced unless a higher court issues a "stay".

Because of the cost of appeals, many cases are not appealed that should be. In addition, the federal appellate courts hear only a few cases, so most decisions have a good chance of standing, only because they probably won't be reviewed. And if cases are reviewed by the appeals courts, there may be appeals level judges who approve of judicial law making - at least in the cases they agree with - and they let the "judicial law" stand. Remember, appeals judges are unlikely to be impeached, either.

If the Court legislates from the bench about a non-constitutional issue, lawmakers and the president

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may modify or reverse a judicial decision, if they have the votes to act together and pass new law. However, this process, with its own checks and balances, is slow and often unsuccessful.

Judicial law-making is happening, is unconstitutional, and is endangering our Constitution. Run-away judges are a danger to all our rights and especially to our 2nd Amendment rights. What could be done, short of massive impeachments of judges?

The Constitution says relatively little about the Judicial branch and leaves it to the legislature to pass laws laying out rules and procedures. Franklin Roosevelt once tried to in-

crease the number of Supreme Court judges which probably had the impact of scaring its then judges and making the Supreme Court more approving of Roosevelt's programs; they had previously shot down a number of his programs. Recently, Democrats have threatened a similar move, which may help explain some "strange" rulings of late. Both of these attempts were highly political moves and were intended to get legal approval for questionable political programs.

How about some new options that allows even the Supreme Court's decisions, including both constitutional and statutory ones, to be reviewed?

The Constitution doesn't set

the lower courts' scope or the U.S. Supreme Court's jurisdiction; they are set by law, the Judiciary Act. Thus, Congress could modify the reach of the courts as to what cases they may hear and at what level they would be heard and - very importantly - could bar lower federal courts from issuing nationwide injunctions.

Or, the federal legislature could send to the states a constitutional amendment that says something like, "If 40% of the state governments (20 states) objected to a federal law or court opinion (except for military operations) that law or opinion would be suspended for a specified period. During that period,

(Continued on page 19)

Please consider donating to the S.C.O.P.E., Inc. **Legal Defense Fund**

We still have much to battle Albany over, and as you well know it takes money to do this! This battle with Albany and the NY (UN)S.A.F.E. Act will be going on for the foreseeable future. Perhaps the action that N.Y.S.R.P.A. is undertaking against NYC will have a benefit for all of us, but we do not yet know. We must be ready to fight, or assist others, in court.

We need to fight the socialist politicians on all fronts!

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Application on page 12

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The Subversion of our Constitutional Republic

By Harold Moskowitz

Our Founding Fathers wrote a constitution designed to protect the rights of the People. They created a central government which had limited power. The Constitution was also designed to protect the government from the abuses of human nature. Government power was to be divided and held by three branches. Checks and balances were included to prevent dominance by any of the three branches. The entire system was to be based upon "virtue" for making government decisions. This would ensure that those decisions would be in the best interests of the nation and its citizenry.

In the 20th century, the Progressive Movement began to agitate for a larger and more powerful role for government in people's lives. Using the emergency of the Great Depression, socialist programs such as Social Security and the concept of a minimum wage became mainstream. In the 1960's Medicare became another step toward Socialism. President Lyndon Johnson's "Great Society" anti-poverty programs changed the nation from one based upon individual responsibility to that of an entitlement society. The family structure in the inner cities deteriorated as unwed females could now use the government as a "husband." Single mom homes kept people in poverty while making them dependent upon Democrat controlled political machines.

Today, we see the results of 100 plus years of the Progressive march toward becoming a socialist nation. In order to gain votes, they pander to a public which has gotten used to receiving entitlements. These same officials practice the politics of division and "victimhood." They have used their control of the educa-

tion system from kindergarten through college to attack our Founders, our history, our values, and culture. Education has been replaced by indoctrination and propaganda. The tax payer supported education system now produces generations of "good little socialists" who believe that capitalism and our nation are evil. "Political correctness" was created to prevent necessary criticism of what is being done to society. Our nation and society are being hollowed out from within.

Our government has strayed from the Constitution. Separation of powers is increasingly ignored. Congress often gives its power to the President. Executive orders are often used where Congressional law would be required. Obama famously bragged about having "a pen and a phone." Activist judges motivated by politics "legislate from the bench" by using their decisions which have the force of law.

Left-wing Democrat Progressives continue to infringe the Second Amendment by taking advantage of the emotional reactions to mass shootings. Now, even some Republicans are pressured into support of anti-gun laws such as "Red Flag" laws. Democrats are so confident, they no longer speak of "common sense" gun control measures. They now speak of needing "stronger background checks." A national gun registry would be required for that purpose. The registry would make gun confiscation an easy task. Joe Biden has publicly stated that he would confiscate AR platform firearms. The Second Amendment is the only real obstacle to the loss of individual freedom. Do you expect the Supreme Court under Chief Justice John Roberts to protect your right to keep and bear arms from unconstitutional infringements?

Democrats control cities and states that are termed "sanctuaries". In these, Illegal aliens are given a driver's license. These licenses can be used as voter identification. These

political goals are not for humane reasons but to turn "Red" states into "Blue" states. If these underhanded tactics turn Florida and Texas into becoming "Blue," it will no longer be possible for anything but a Democrat to win in the Electoral College vote, which is their goal.

The Democratic platform seems to guarantee that the nation will be transformed into a socialist welfare state. We know from history that socialism creates a spiral into poverty, deprivation, violent chaos, and totalitarian rule? Do you want your children/grandchildren living in that environment?

Without civilian firearms, the military could quickly put down any resistance. The sophisticated electronic surveillance technology supplied to the government by "Silicon Valley" would make that task relatively easy.

After any socialist takeover, which always leads to Communism: businesses and industries are nationalized; individual economic opportunity is severely limited; wealth is taxed and property is confiscated without compensation; and everyone becomes equally poor. Only the ruling elite, their families and close associates have a high standard of living. Is that the future you would like to see for the nation? The U.S. currently allows more personal freedom and economic opportunity than any nation on the planet!

If you are a gun owner who feels secure because of the ability to defend yourself, your family, and your home from violent anarchist mobs, think long and hard before voting. Based on their public statements, it's reasonable to assume that Democrat Party candidates actually do intend to disarm the "People". If someone states publicly that they intend to do something to you, believe them. Such measures would come at you from all levels of government.

Be sure to VOTE. Don't
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vote to automatically return the same people to office. Both Democrats and Republicans have repeatedly failed us. Vote for candidates who will stand up for the best interests of the "People". This is true for both state and national candidates. We need candidates who will stand up to the "political elites." A lack of Republicans and Democrats such as this led to passage of Cuomo's "SAFE" Act.

Elected officials who have been in office for decades try to say the things we want to hear. Performance history has shown that many will do nothing to make necessary changes once returned to office. Their goal is only to "keep feeding at the public trough." Establishment Republicans used the Tea Party Movement to get elected in 2010. With eventual majorities in both the House and Senate, they did nothing meaningful on immigration, health care, or little else.

Do some research and join your local party committee where you can make a difference. Donate what you can to help candidates who love our nation and its freedoms to get "across the finish line." Your political voice needs to be heard now more than ever. Vote on November 3rd.

(Continued from page 16)

if a majority of the states (26 states) objected, the law or court decision would be voided." This option would be so difficult to exercise that it would not be widely used and yet return us to the original intent of the Constitution, that none of the three branches are above review. It would also take the review decision out of Washington DC and give it back to the states.

These suggestions are not the only possible options but they show that there are alternatives.

Besides "legislating from the bench", there is the ever-increasing problem of unelected, local, lower court judges taking nationwide ac-

tions (injunctions) to nullify Presidential decisions. We elected a President, not some federal judge, to make Executive decisions on foreign affairs, immigration, the budget, etc. It is a long process to appeal and overturn these nationwide injunctions and they sometimes impact emergency actions. Congress could legislate that nationwide actions have to be approved by an entire appeals court (Circuit Court) to be effective and these decisions are automatically appealable to the Supreme Court on an expedited basis. Or, Congress could strip lower level federal courts of the power to issue injunctions outside their districts.

Which leaves us with the problem of the unofficial fourth branch of government; the "Swamp", also known as the bureaucracy. Unelected bureaucrats write rules, enforce rules and interpret those rules. "We the people" never have a chance to directly vote on and impose our will on the "Swamp". In effect, the "Swamp" is the Legislative, Executive and Judicial branches rolled into one. Because of its size and the enormous number of rules it produces, the "Swamp" has few effective checks and balances. (Who can keep up with the enormous number of rules produced or the subsequent interpretations of those rules. In addition, challenging rules is costly and time consuming.) The Executive branch is filled with bureaucracies which issue rules that have the force of law but those rules were never directly approved by the Legislative branch. Instead, the Legislative branch had delegated their legislative power to the bureaucracy. In addition, the President must sign all laws proposed by the legislature or the President has the veto power over proposed laws. But the bureaucracy's rules take effect without the legislature or the president directly approving. These actions are questionable under the Constitution but have become accepted through use.

Congress has the power,

subject to the President's signature, to correct this through new laws. All existing bureaucratic rules should have to be specifically read and approved by Congress and signed by the President within one year after a law to that effect is passed. All new bureaucratic rules must be read and approved by Congress and signed by the President before taking effect. Courts that hear cases involving interpretations of those rules should be a part of the judicial branch and not a part of the bureaucracy that made the law.

It is said that, "the "Road to hell is paved with good intentions". The road to the destruction of our Constitution and our society is paved with the not so good intentions of overtly political judges and bureaucrats. We need to fill that road with nails by electing legislators and a President that will do more than talk about this problem, but will appoint Constitutional Originalists and Textualists (who read the Constitution and statute law literally and strictly) to federal courts. And if "we the voters" will give these Originalists" control of the legislature and the Presidency, they must take action similar to those suggested above to right these wrongs.



Voter Registration

Voter registration applications must be postmarked no later than October 9, 2020 and received by a board of elections no later than October 14, 2020 to be eligible to vote in the General Election.

In person registration by October 9th.

Election Day is November 3rd

To vote in next year's primaries, a person must be registered in that party before this November's election.

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