SCOPE, inc.

Firing Lines

Fighting for your Second Amendment Rights since 1965

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Public Safety, or Political Agenda?

By Stephen J Aldstadt

By now most people have heard about the sting operation conducted by the New York State Attorney General's office. What you have seen in official press releases, and what has been reported in the newspapers is not exactly the whole truth. It has been repeatedly reported that dealers at gun shows have been selling guns without the required back ground checks. This is not true. None of those arrested were licensed firearms dealers, or FFL (federal firearms license) holders.

Any time a gun dealer sells a gun, the purchaser must fill out a federal form 4473, which must be kept on file with the dealer and made available to the BATF or other law enforcement agencies when they are conducting a criminal investigation. In addition the buyer must pass a NICS check, (national instant check system) which compares the buyers information to an FBI database of persons prohibited from possessing firearms. If the gun is a handgun, the buyer must hold a valid NYS License to Carry Pistol and cannot even take possession of the gun until it is registered and recorded on that license. The only time a gun can be transferred without background checks or registration is if it is a private sale of a long gun from one individual to another. In New York State if that transfer is conducted, initiated or, negotiated at a gun show, then NYS law requires a NICS background check to be done as if it were a sale from a dealer.

According to press releases, undercover operatives were successful in convincing as many as ten individuals to sell them a gun at a gun show without going through the required background checks. In all cases the show promoters followed all the legal requirements. A station was provided for NICS checks to be conducted. Signs were prominently posted informing all show attendees of the legal requirements.

If the attorney general were only interested in enforcing the law to promote public safety, making a few well publicized arrests is actually a good idea. Let the public know that the law will be enforced. If you sell your rifle or shotgun at a gun show without the buyer conducting the NICS check, then you know you could be arrested and charged. Make the law clear and public then the vast majority of people will abide by it.

Clearly the attorney general Eric Schneiderman has an ulterior motive. As a NYS Senator he was a sponsor of more anti-gun rights bills then any other legislator. He wanted to ban semi-automatic rifles and shotguns. He wanted to ban .50 caliber rifles. He pushed to try to mandate the flawed micro-stamping technology on all semi-automatic pistols. If there was a bill to restrict your right to keep and bear arms his name was likely on it.

Unable to advance his radical anti-rights agenda in the senate, he is now using the office of attorney general to advance his political objectives. He knows that the dealers and promoters followed the law so he is now publicly calling for the passage of laws that would hold them legally liable for the criminal actions of every person who attends their show. What he is pushing for is akin to passing a law that would hold a car dealer liable for the crimes of anyone who happened to come onto their car lot. Remember, in this entire undercover investigation no dealers or promoters were arrested, charged, or accused of any crimes, and yet Eric Schneiderman and the usual gun ban crowd are all using this as a political stunt to push for more legislation with the objective of shutting down all gun shows in New York and putting dealers and promoters out of business.

None of the promoters have been charged but this does not deter a politically motivated prosecutor. Subpoenas have been issued to several show promoters ordering

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Join SCOPE Today!
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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.

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mmastro1@twcny.rr.com

Meetings will be held at the Clay Sportsmen's Club on Henry Clay Blvd. just north of Rte 31. The starting time will be 7:30 P.M. Call Michael Mastrogiovanni at (315) 652 4597 for date and directions.

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Erie County Chapter holds monthly meetings every third Thursday of the month. Meetings begin at 7:00 p.m. in the Community Room at the Southgate Plaza, Union Road West Seneca.

GENESEE COUNTY
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Jack Taylor, Vice Chairman
Vacant, Secretary
Dave Kaufman, Treasurer
585.219.4296
Web http://ScopeGC.com Committee@ScopeGC.com
P.O. Box 1659
Batavia, NY 14021-1659
Meetings are open to the public SCOPE members from neighboring counties are encouraged to participate.

MONROE COUNTY
Chris Edes - Chair
Phone (585) 202-7741
chrisedes@dynamic-mail.net

Monroe County meetings take place the Third Monday of the month 7pm at Jays Diner 2612 W Henrietta Rd, Rochester, NY 14623. There are no meetings the months of December, May, June or July.

NIAGARA CHAPTER
Russell Petrie, County Chair
Phone: 585-733-5968
RussP@Rochester.RR.com

Niagara Chapter holds it's monthly meetings at the American Legion Post 410, 26 Niagara Street in Lockport, NY at 7:00pm on the third Wednesday of each month.

NEW YORK CITY COMMITTEE
Dave Forgione – Chair
(646) 319-0106
Davefargone@aol.com
Jim Lesczynski – Secretary
Michael Justice – Treasurer
NYC@SCOPEny.org

The NYC Chapter's Meeting is no longer being held at a Restaurant. Part of our Monthly Meeting is a visit to a gun store and/or a range. Normally we're doing this on a Tuesday evening, but that may change depending on the hours of our target location of the month.

Contact Dave Forgione at (646) 319-0106 for meeting details or join our low-volume email list by sending a message to:scope-nycsubscribe@yahoogroups.com

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Meetings will be at 7:30 PM, the 3rd Saturday of each month. 21 Claremont Trail, Blooming Grove, NY. Call Mike at 496-1183 for information.

ORLEANS COUNTY
E.L. (Tinker) Young - Chair
(585) 765-9122
Orleans County SCOPE meets the 2nd Monday of every month, 7PM, VFW on Platt St. in Albion.

WAYNE COUNTY
John Piczkur, Chair
(315) 597-2198
WayneCountyScope@yahoo.com
Dan Gilmore, Vice Chair
Treasurer Deane Fisher
Secretary Bob Brannan

Meetings are held the 2nd Wednesday of the month at the Marion American Legion Post, 4141 Witherden Rd., Marion NY at 7:00pm. All are welcome, for information call John Piczkur at (315) 597-2198
.

YATES COUNTY
Bill Button, Chairman
585-554-6868
Leigh Williams, Vice Chair
Marlene Button, Treasurer & Secretary

Stop by the SCOPEny.org website and check out the information and alerts,.

Membership needs your help

By Mike Mastrogiovanni, CNY

America has hit tough times, not only economically but the American gun owner will soon be assaulted on every front, federal, state and local. We need to join together and fight back. I am asking every member in SCOPE to sign up a friend, if they are a gun owner or not. If this friend does not have the money to join do it for him.

This small amount will help Scope continue to fight the good fight, resisting the anti-gun politicians.

Shooters Committee on Political Education Defense Fund Project

NOT the same OLD business
TAKING the BUSINESS to THEM

With the recent court victories the need to have funds on hand to support additional court efforts that support the 2nd Amendment has increased greatly.

Please consider taking a chance to win some great firearms while supporting your NYS Rights Team.

All proceeds will go directly to support 2nd Amendment court efforts.

Drawing date July 04, 2012.

Go to WWW.SCOPENY.ORG/DEFENSEPROJECT to see how you can help.

NUMBERS YOU CAN USE

NEW YORK STATE
Governor (518) 474-8390
NYS Senate (518) 455-2800
NYS Assembly (518) 455-4100

WASHINGTON
White House opinion line (202) 456-1111
Congress (202) 225-3121
Senate (202) 9224-3121

Please be polite and remain calm when speaking to your representatives

Advertising in "Firing Lines"

If you would like to advertise please call or e-mail SCOPE and we will be happy to assist you in composing and placing an ad.

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PUNISH CRIMINALS, NOT HONEST GUN OWNERS

By Budd Schroeder
SCOPE chairman of the board

New York is one of the worst states in America when it comes to Second Amendment rights. For more than a century, politicians have passed laws and restrictions on the right to keep and bear arms. The licensing laws for obtaining a pistol permit are the most draconian in the nation. It can take up to a year to complete the process to legally carry a handgun.

In many counties, liberal thinking judges scrutinize an application for a concealed carry permit. Although the person has been cleared by the local and state police as well as the FBI to prove that he or she has no criminal record, mental disabilities and no reports of anti-social behavior, the judge can place restrictions on carrying, such as "limited to target shooting and hunting."

Previous columns have advocated that people who wish to run for public office should be scrutinized as completely and thoroughly before they are allowed to appear on the ballot. However, politicians have a history of exempting themselves from some laws that the general public must obey.

Regardless, the politicians, by requiring a permit, have reduced a constitutional right to a privilege. None seem to have learned the dictionary definition of the term "infringed." You know, like "the right of the people to keep and bear arms shall NOT be infringed."

What rights they haven't infringed, they demean by regulation and will use these laws and regulations to make it difficult for honest citizens to own and carry firearms. Recently, the New York Attorney General, Eric Schneiderman conducted a sting within gun shows to "close the gun show loophole."

Any dealer who sets up a table at the gun show and sells a gun must fill out the federal 4473 form and pass a NICS check to be sure the buyer is not prohibited from owning a firearm. It also means that anyone who sells a gun to other than a dealer in the show must have the purchaser pass the same NICS check.

The gun shows have large signs posted at the door and throughout the building stating these laws and regulations. Those who come into the building and sell the gun to another must do this in order for it to be a legal transaction.

Schneiderman conducted a ten month investigation and had his agents solicit people who bought a ticket to attend the show and told them they wanted to buy a gun but couldn't pass a NICS check. To conduct this sting must have cost the taxpayers a lot of money during this time.

Schneiderman proudly stated his agents found ten people who sold guns illegally, so he wants tougher regulations on gun shows and wants the promoters punished for the illegal acts of another. These ten people broke the law and should be charged with a crime. The promoters should not be charged with any crime.

This is similar to having a drunk come into a bar, ask for a drink, be refused by the bartender and told to leave. The drunk, on the way out, steals a drink from a table and leaves. Upon leaving, he has an accident and harms someone. The cops arrest him and the lawyers want to sue the bar owner under the dram shop law.

The bar owner complied with the law, the drunk broke a law by stealing a drink, but the system contends that the bar owner should be held responsible for the actions of a law-breaker. This is what the AG is trying to do with the gun show.

Schneiderman was one of the most anti-second amendment legislators when he was a state senator and tried to find ways to infringe on Second Amendment rights. He was a prime sponsor of the microstamping bill (fortunately it failed to pass) in his last term.

Microstamping has never shown to be effective, or even that it worked, in aiding violent gun crime investigations. In fact the CoBIS system put into effect in NY for more than a decade has cost the taxpayers almost $40 million and has not resulted in a single conviction.

Schneiderman has tried to find a cure for a disease that doesn't exist. Any of the laws he proposed affect only honest gun owners. Simply put, criminals don't obey laws. The laws should focus on criminal misuse of guns with swift and sure punishment. Infringing on constitutional rights is not the answer.

(Continued from page 1)

them to appear and produce a whole laundry list of files and records. This is clearly a fishing expedition. Some of the files the attorney general's office is demanding may not even exist and are not required to be kept, and others it may even be against federal law to disclose. At the time of this writing no hearings have been conducted.

The likelihood of actual criminal charges being filed against the dealers and show promoters is slim, but the legal cost could be devastating to the small businessmen involved. That is the real objective here. Harass and intimidate, run up legal cost and try to push them out of business. The ultimate objective is ending all gun shows in New York State.

SCOPE is working with at least one of the targeted promoters. They are SCOPE members and have a history of supporting our work to protect the right to keep and bear arms for New Yorkers. More importantly if the anti-rights crowd, led by Eric Schneiderman are allowed to be successful in running our dealers and promoters out of business and shutting down the gun shows, it will be one very large nail in the coffin of our rights. Who was it that said, "We must hang together or surely we will be hanged separately".

This is why SCOPE has a legal defense fund. These legal battles can be long and costly and we have only limited resources. I am asking for your help today. Don't let Eric Schneiderman and his cronies get away with this. Help us to fight this by sending a donation to; SCOPE Legal Defense Fund, 12 Gateway Drive, Batavia NY 14020.

The 2012 Sportsman and Outdoor Recreation Awareness Day! Is March 20th

SCOPE is eager to assist Assembly Minority Leader Brian Kolb to make the 2012 event the most successful ever.

Last year SCOPE NY teamed up with Conservation and Sporting Clubs all over the state by providing bus transportation to and from Albany to visit legislators on what is becoming an annual event.

- In January of 2011 The Buffalo Gun Center and Alden Rod and Gun made significant donations to defray the cost of the bus. Please remember to say thank you.
- Several SCOPE Chapters will be making plans to do the same thing this year.
- March 20th will be the start of Spring and a great day to take a bus ride.
- Starting today we are asking members to spread the word to our member clubs, make arrangements with your boss for the day off, start a fundraiser for the bus cost. Fill the bus so we have to order a second bus.
- 2012 is going to be the most important election cycle of our lifetime. The Anti Gun Crowd is not giving up and are intensifying their assault on our Constitutional Rights.
- Fast and Furious, Project Gun Walker, Supreme Court Appointments UN Treaties are all part of their unrelenting zeal to disarm the general public.
- Brain Kolb and the other patriots in Albany need our show of support to fend of this assault in 2012 just as we have done in 2011.
- Think about it, the people that donate money to the Brady Bunch or Bloomberg's Mayors are the 1% blue bloods that the media has perpetuated since the Occupy Wall Street hippies took the stage. They are the types that go to $5000.00 a plate dinners.
- SCOPE is made up of just plain folk who hand in $20.00 per year to say here, for the price of a box of ammo, I am giving this to you to make sure I will always be able to buy a $20.00 box of ammo for my firearm. Many of them give SCOPE that money year after year. Some of them do more. So now is a chance for you to do more and meet with like minded people, take a day for a bus ride through Western New York to Albany and back.
- Start making your plans and mark you calendar today.

Check www.scopeny.org for updates and bus ride details. See you on March 20th.

Kachalsky v. Cacace
A Review of the District Ruling

By Bill M. Cyrus

On the first week of September, district court judge Cathy Seibel issued an opinion on the case of Kachalsky v.Cacace. This is the conclusion of the first stage in its progress. For those not familiar, the case is a Constitutional challenge to the arbitrary "reasonable cause" requirement that is required for unrestricted carry licenses in some counties in New York. While the district ruling is by no means final and who wins at that level is almost irrelevant, as there is at minimum an appeal to the 2nd Circuit which would have happened regardless, the opinion is still very much relevant as it defines the issues to be argued at the Circuit and beyond. The text of the ruling is a major, major win for us in that aspect. It addresses and includes the total case law that has defined current pistol licensing practices, all of which were prior to the Heller and McDonald rulings—by doing so opening them all up for review which should certainly strike them down.

Let's first look at how we got to this point in the first place. First is to understand that the 2nd Amendment to the US Constitution hasn't had any weight of law in New York State for almost the entire history of its existence, and that the Sullivan Law and its additions by further regulations and court interpretation were only allowed to come about and to remain because of that. Most states have been kept from adopting the same bad gun laws and judicial attitude as New York by a specific right to keep and bear arms guarantee in their state constitutions, whereas New York has no such provision and thus no recognized protection. To briefly recap, first the Supreme Court ruled in 1833 in Barron v. Baltimore that the Bill of Rights didn't apply to the states. Then following the Civil War, the 14th Amendment attempted to reapply it as a means of correcting numerous injustices done to slaves and freedmen by requiring equal treatment under the law, but the Court ruled again in 1873 in the Slaughterhouse Cases that the 14th Amendment essentially meant nothing. States could treat individuals entirely without regard to fairness or equality in matters involving state and local government rather than the very few ones directly pertaining to national citizenship. Soon thereafter the rulings of US v. Cruikshank and Presser v. Illinois specifically exempted states from compliance with the 2nd Amendment on any basis whatsoever. While other rights such as freedom of speech and avoidance of self incrimination have been restored, they were done so selectively on a case by case basis, where until 2010 the 2nd Amendment had been entirely ignored and thus left out of modern rights advancement.

From there, two other Supreme Court decisions not commonly associated specifically with gun ownership, because they didn't directly involve firearms themselves, have particular influence in the thinking behind gun laws and the lower court decisions which have upheld and expanded upon them. First is the infamous case of Plessy v. Ferguson, the decision that upheld and gave official government approval to racial segregation. The reasoning behind it became much more influential than the conclusion itself. While "separate but equal" on the basis of race was overturned in 1954, the crucial points of the decision were not. In justifying the decision, it was held that governments have an interest in maintaining what they deem to be a correct social order PRESUMABLY as part of preserving peace and safety. Individual rights can be restricted on a selective basis with differential treatment rather than equality in furtherance of that goal, and that the citizens in fact owed a forfeiture of rights as an expected payment in exchange for the benefits of inclusion in society. Disgusting as this is and how wrong we know it to be, we see this very attitude as a central premise in New York's laws and court system.

The other and lesser known but highly influential case is that of US v. Carolene Products in 1938. It took the Plessy decision's doctrine of governmental interests versus individual rights much further and applied it to the federal government. According to the decision, so long as a law could be explained as being reasonably related to any legitimate interest or function of government, as government's tasks including that of promoting public safety are numerous and not set in stone, a regulation would be presumed to be Constitutional. It could even be a guess at a solution to a perceived or future problem, requiring little or no proof that it actually works. This is known as the rational basis standard of review, and it has become also deeply entrenched in the judicial mindset and horribly damaging to the very concept of individual rights and limitation of government power. Judges can, if they're not being honest, say they're using a higher standard of review but in practice be applying rational basis in part or in everything but name, in particularly when there's a predetermined outcome they wish to reach.

It is from this context and mindset that the Sullivan Law and the cases surrounding it in New York State Courts have come about. Every single case cited by Judge Seibel was ruled in the context that there is no right to keep or bear arms, that the state is presumptively correct in any limitation of pistol carry as a matter of state's prerogative and that doing so is good thus no duty to treat people equally. The entire logic is, of course, repugnant to the concept of American liberty and a disgrace to the legal profession on the part of the judges who wrote them. It has been a systemic problem held in place without challenge, largely without objection due to a phenomenon succinctly described as "…the left hates guns and the right hates rights."

There is a multiple layered conflict upon how the judge was to rule. On one hand, the majority of the cases cited were state court rulings, which are to be considered secondary and subordinate to federal law when in federal court. Using state cases as the primary source is a bit like using peewee football rules for an NFL game. However, since there has only been a single year since the McDonald decision by the Supreme Court, there have been very, very few federal rulings to cite on the matter that specifically deal with the issue at hand. It is common doctrine that the lower level courts do not make "new law", deferring instead by precedence set by higher courts, making it a game of Simon Says. As to how faithfully they follow it or how strictly they interpret it throws much contradiction into the process, sidestepping of issues, and intellectual dishonesty—as to which of the matter is justifying the situation to uphold it or merely describing it with no will to change it is left to interpretation, the horridness of the result notwithstanding. Will Rogers could speak for hours on how as he put it, as evident here, that

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"Every time they make a joke it's a law, and every time they make a law it's a joke."

The judge's most obvious mistake is the assumption that self defense in practice is a need based privilege rather than a right. By doing so, it removes the justification burden from the state, and replaces any legitimate analysis with circular reasoning: because the state law is restrictive, the state has an interest in maintaining and extending the restrictiveness, because it has an interest in maintaining the interest of the original law, rather than a matter of individual right to the means by which to preserve one's life in case of emergency.

"The statute… calls for individualized, case-by-case determinations regarding whether full-carry permit applicants have an actual and articulable—rather than merely speculative, potential, or even specious—need for self-defense.

This makes the ludicrously arrogant assumption that the "need" for self defense is finite and predictable and that the state can wisely dispense it at will to specific individuals with perfect discernment and foresight.

"As crafted, the statute seeks to limit the use of handguns to self-defensive purposes—a use which, although in this context existing outside the home, is nonetheless a hallmark of Heller—rather than for some other use that has not been recognized as falling within the protections of the Second Amendment."

Having your sidearm with you to prevent being victimized the first time isn't a legitimate self defense purpose, she says, but to prevent it the second time is. It doesn't concern her that that the person might not live to see a next time because of being unable to protect themselves the first time. The "let them eat cake" attitude reaches the boiling point here:

"The claim fails, as Section 400.00(2)(f) does not treat similarly situated individuals differently, but rather applies uniformly. Further, all full-carry permit applicants are not similarly situated because some can demonstrate "proper cause" for the issuance of a permit, while others cannot."

Notice the contradiction. Person A has a right to survive a robbery at a Citgo or grocery store parking lot at night, but person B has to take one for the team and die because the person determining "proper cause" said so, but the system is fair because…well, because they say so.

The great news for us is that obviously this ruling cannot stand up to examination based on a post-Heller-McDonald perspective, with the more rigorous standards applied to legitimacy of government interests and practical, useful extension of fundamental civil rights. In many ways it's perfect for us in that it lays out practically every detail we wish to have overturned at once, rather than us having to chase them all down with separate cases making the state bring them up one at a time. The Circuit can only address the issue as presented by the district ruling—again perfect for us as it frames the argument in such a way that the problems are unavoidable; they can't say there isn't a serious problem with what's going on. Further, we need not even have to be the first to get this to the Supreme Court to prevail, as there are at least ten major cases working their way through the district and Circuit courts dealing with carry license issuance versus state or local restriction: Peterson v. Kilroy (CO, formerly known as Peterson v. LaCabe then Peterson v. Garcia), Palmer v. DC (DC), Woollard v. Sheridan (MD), Richards v. Prieto (CA), Peruta v. San Diego (CA), Muller v. Maenza (NJ), Hightower v. Boston (MA), Shepherd v. Madigan (IL), Moore v. Madigan (IL), and Baker v. Kealoha (HI). Any of those cases reaching the Supreme Court can effectively bring about the result needed to resolve the issue for us in New York, ideally a combination of these to hammer out then reinforce the details. Obviously not all of those will be taken, as they move at different paces through their respective jurisdictions and will each pose a slightly different flavored question for higher court consideration, and the Court may decide to take one or a couple to answer for them all then either turn aside the others or Grant, Vacate, and Remand them.

Here are the possibilities for this case as it goes forward:

1. The Second Circuit issues a favorable ruling and it stands without appeal, as the other side might not want to risk the Supreme Court making the decision national and impossible for the Second Circuit to reverse on their own in the future.
2. The ruling is petitioned to be heard en banc by either side.
3. A judge on the Circuit itself requests for hearing en banc, called a suasponte en banc—rare, but it happens occasionally.
4. After either the Circuit panel ruling or an en banc, it gets petitioned to the Supreme Court and granted cert.
5. It is appealed and consolidated with another case such as Woollard or Moore.
6. It is appealed and either put aside or declined with another case taken instead.
7. It is appealed and GVR'd (Grant, Vacate, and Remand), essentially telling the Circuit that they got it totally wrong and to issue a different opinion with some instructions on how to do so.

We await the briefs and proceedings as we get them in the Circuit, and continue to watch the concurrent cases listed which will tell us much about what to expect in the nearest next steps. The long run battle looks quite promising.

Wayne County Report

At our November meeting, we held our chapter's officer elections. John Piczkur will remain Chairman for another year. Dan Gilmore will take the Co-Chairman position from Larry Keown. Bob Brannan remains as Secretary and Deane Fisher remains as Treasurer.

We presented our annual Wayne County SCOPE Patriot of the Year award to our Treasurer Deane Fisher. Deane has been the Treasurer of our chapter since it's inception in September of 2001. He has sacrificed a lot of time and effort in making our chapter as successful as it has been. A very unassuming, quiet individual but very dedicated to our Chapter and State Organization. When presented with the award, Deane said:"I don't do what I do for SCOPE for the recognition or to win any awards. I do what I do for SCOPE because I believe in preserving our Second Amendment rights." Congratulations Deane.

Also at the November meeting, we voted to donate money to the SCOPE Legal Fund. In 2012, the goal will be to provide more funding to the Legal Fund as we recognize that SCOPE will get more involved in Second Amendment litigation in NY State this year. It is more apparent that we must fight our anti-gun foes in the courtrooms as liberal government bodies (Federal, state and local) are finding more ways to skirt conventional legislative procedures.

Our chapter sponsored yet another youth shooting event in Sodus Bay in the fall. We will continue to sponsor youth events again in 2012, as we funded 4 such events in 2011.

SCOPE Member Clubs

The following are clubs that are members of SCOPE. If you plan to join a club, please try to join one that is a SCOPE member. If your club would like to become a SCOPE club member please give Stephen Aldstadt a call or drop us an E-mail.

ABATE of NY, Ontario County
Alabama Hunt Club
Alden Rod & Gun Club
Allied Sportsmen of WNY Inc
American Legion Riders Post 355
A-ON-DO-WA-NUH
Sportsman's Club
Attica Rod & Gun Club, Inc
B R & G Conservation Club
Bailey Mountain
Fish & Game Club, Inc.
Baldwinsville Rod & Gun Club, Inc.
Barre Sportsmen's Club
Barrington Rifle Club
Bergen Rod & Gun Club
Bison City Rod & Gun Club Inc
Black Rock Fish & Game Club Inc
Blasdell Rod & Gun Club
Bog Trotters Rifle & Pistol Club Inc
Buffalo Revolver & Rifle Club Inc
Buffalo Rod & Gun Club Inc
Burlington Flats
Fish & Game Club, Inc.
Cal Shooting Club
Camillus Sportsmen's Club
Canaan Rifle Club, Inc.
Canandaigua Lake
Duck Hunters, Inc.
Canandaigua Sportsman's Club, Inc.
Canastota Conservation Club
Chautauqua County
Federation of Sportsmen
Chemung County Rod & Gun Club
Clarence Shooting Club
Clay Sportsman's Club
Clinton Fish & Game Club
Cloverbank Sportsman's Club Inc
Conesus Lake Sportsmen's Club, Inc.
Cooperstown Sportsmen's
Association, Inc.
Delchenego Rod & Gun Club, Inc.
Depew Rod & Gun Club
Dunham's Bay Fish & Game Club
E Aurora Fish & Game Club Inc
Elbridge Rod & Gun Club
Evans Rod & Gun Club
Four Point Rod & Gun Club, Inc.
Freeport Junior Club
George Washington Fishing &
Camping Club Inc
Glen-Coe Conservation Society Inc
Gorham Coon Hunters
Gowanda Rifle Club
Hamburg Rod & Gun Club Inc
Hartland Conservation Club
Hidden Valley Lodge
Hill Top Gun Club
Himrod Conservation Club
Holley Rod & Gun Gun Club
Honeoye Fish & Game Club
Hornell Sportsman Club
Hudson Valley
Sportsmen's Association
Iroquois Arms Collectors
Assoc of WNY
Lake Keuka Chapter,
Izaak Walton League
Lima Gun Club
Little Beard Club Inc
Livingston Co Federation
of Sportsmen's Clubs
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Association, Inc
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Sheridan Transit Rod & Gun Club
Sodus Bay Sportsman's Club
Somerset Conservation Club
Sons of the American Legion
Post 881
South Bristol Fish &
Game Association Inc.
South Shore Association
of Onedia Lake Inc.
Springville Field & Stream Inc
Springwater Rod & Gun Club, Inc.
Square Deal Sportsmen Inc.
Suburban Pistol League
Ten-X Shooting Club Inc
Three F Conservation Society, Inc.
Thruway Fish & Hunt Club
Tonawandas Sportsmen's Club
Twin City Shooting Club, Inc.
Walden Sportsmen's Club
Walworth Sportsman's Club, Inc.
Waterloo Rifle & Pistol Club
Wayne County Federation
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Williamson Conservation
& Sporting Club
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SCOPE is now offering businesses that want to show their support for our 2nd Amendment rights a Business Associate Membership. Business membership dues will be $50 annually, or $250 annually for a Sponsor level membership. Business members will receive a window sign to display, a listing on our website with basic details of their store and contact information. We will also supply them with membership applications and a supply of each issue of the Firing Lines for their store. Sponsor level businesses will have their listing on our website highlighted and they will receive a wall plaque for display in their store.

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State_____ Zip_____ Fax _____

Mailing address if different_____

Contact Name & Title_____

Secondary Contact _____

Website_____ Email_____

Type of business (gun shop, sporting goods, etc.)_____

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Announcing **SCOPE-PAC**, a political committee affiliated with SCOPE, Inc. but a separate organization conforming with New York State Election Laws and applicable federal laws.

SCOPE-PAC is raising funds specifically for the support of candidates for state offices that support your right to keep and bear arms. Now you can participate in the political process with more than just your vote; you can donate to **SCOPE-PAC** and be assured your contribution will go to those candidates that will fight for your rights.

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Make checks payable to:
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Donations to SCOPE-PAC are not tax deductible and are subject to all applicable state and federal laws, rules and regulations.

The battle continues in 2012. The Cuomo administration has shown it is pursuing gun control. Just look at the NYS Attorney General's "Operation Background Bust." If successful he will shut down gun shows in our state.

We must keep the state senate in friendly hands. As you know it is pro gun by the slimmest of margins.

Our friends and potential friends are seeking and raising funds for the upcoming election battles. SCOPE PAC is your tool to help our friends of the Second Amendment through your donations. We have expended most of our available funds during the last election cycle and need your donations now.

Please give any amount you can no matter how small (or large), you can, rest assured it will be put to good use.

Ken Mathison
Treasurer SCOPE PAC

AMICUS CURIAE BRIEFS

By Bill Gibson

There has been a lot of discussion recently about *amicus curiae* briefs in cases involving gun rights. SCOPE has signed on to briefs in some cases at the request of the group or individual preparing the brief. This article is intended to give SCOPE members a better idea of what these briefs are and how they fit into the litigation process.

An *amicus curiae* is an organization or individual, not a party to a case, who provides information for the purpose of assisting a court in its deliberations. Most commonly in the cases we are interested in, this is the U.S. Supreme Court. Appellate cases are normally limited to the factual record and arguments supporting the issue under appeal from the lower court; attorneys must focus on those issues under appeal. As Supreme Court briefs are limited to 15,000 words, they do not have space to include all the concerns involved in a complex case. Where a case may have broader implications, *amicus curiae* briefs are a way to introduce those concerns, so that the possibly broad legal effects of court decisions will not depend solely on the specific concerns of the parties directly involved in the case.

Amicus briefs are not "cheerleader briefs" that merely express support for one or another of the litigants. As stated in the U.S. Supreme Court rules, an *amicus curiae* brief "that brings to the attention of the Court relevant matter not already brought to its attention by the parties may be of considerable help to the Court." The Court takes a dim view of briefs that do not meet this criteria.

Briefs may only be submitted with the permission of both litigants. If permission is not granted, a motion for leave to file may be made directly to the Court. State and local governments and the federal government do not need permission to file briefs. The Solicitor General regularly files briefs in cases in which the government has an interest but is not a party. Amicus briefs must not be in any way funded by a litigant.

Filing a brief is not a cheap endeavor. Briefs may only be filed by lawyers admitted to practice before the Court. They must be prepared to strict Court specifications as to size, format, and typographical standards, right down to the paper weight, cover color, and binding. Forty copies must be submitted along with electronic submission to the Court and both litigants. Amicus briefs are limited to 9,000 words. For comparison purposes, this article contains 782 words. The details are in Supreme Court Rules 33 and 37.

In *District v. Heller*, 67 amicus briefs were filed - 19 on behalf to the District, 47 on behalf of Heller and one by the Solicitor General on behalf of the United States. At just under 2,400 pages, this was one of the largest amicus brief submissions in Court history.

Amicus briefs are often part of the litigant's strategy and this was particularly so on the part of the Heller legal team. A group of about 20 people, all prominent in the gun rights legal community, worked to develop a strategy that had the strongest groups or individuals with the most knowledge and credibility developing the arguments for each focus area where a brief was needed. This required top legal management skills and resulted in a set of briefs that even Justice Breyer, not a Heller cheerleader, admitted were of excellent quality.

The *amici curiae* submitting briefs in support of Heller included:

Academics on the history of the second amendment

Academics on the disputing the effectiveness of handgun bans

Retired senior military officers on bans impeding small arms training

Congress of Racial Equality on use of gun laws to oppress blacks

305 members of Congress as a co-equal branch of government

The NRA and the NSSF on the legitimate need for firearms

Pink Pistols on disproportionate targeting of gays and lesbians for violence

Attorneys General from 30 states on the language, history and scholarly commentary

supporting an individual right

This is just a sample but if gives a pretty good idea of the breadth and nature of the briefs submitted.

Amicus briefs are a valuable tool for litigators to use to insure that all aspects of their argument are presented to the Court and that they are presented by the most credible individuals and groups. Participation in a brief, whether in its development or only signing on to an already drafted brief is a valuable opportunity. But it must be remembered that each brief is intended to address only a specific issue in which the amicus has both credibility and expertise. It is not the place for global arguments or "bumper sticker" phraseology.

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Walworth Sportsman's Club 16 years in the making

By BlackPowderBill

1960 incorporated as an 501c7 Not for profit as the Penfield Gun Club. Constitution and by-laws club stated club property could never be sold. All the members own the club; if it went out of business it had to be donated to another not for profit.

I was involved in 1995 & 2000. The remaining members decided to rebuild & reincorporate under NYS laws just to change the name. A few old members felt they actually owned title to the club which cause a huge problem as they wanted to be paid for the property. However, they could not sign the deed as they were not owners.

There were 3 townspeople involved with different aspects of operating town planning in 1995. These 3 town people were friendly with the ones who wanted money for the clubs property. The Towns attorney in 1995 agreed with the club's attorneys that the original variance for a shooting range went with the land & the land was not sold. Therefore the town could not place restrictions upon the "Walworth Sportsman's Club".

Again in 2000 club members approached the town with the same restrictions in place.

The town refused to allow the club to operate as their original variance was written - the town did as they pleased. The town claimed the name transfer constituted a sale. Remember the town's attorney agreed with the club attorney's the original variance was still intact from 1960.

The club tried to fight the idea as the town was holding the club hostage for special use restrictions. Two times Club members failed to change the town's mind, at substantial legal cost to boot.

For 16 years they had to shoot under severe restrictions, which were:

- Only shoot on the weekends.
- If they hosted a shoot which required shooting at times other than the hours stated, they had to pay for adds in the local papers announcing to the neighbors their intentions.
- They were restricted to 6 special use days per year.
- The league shoots are from 9:00am till 3:00 pm
- The towns restrictions were 10:00am till 4:00 pm Saturday & Sunday,No holidays & Fridays were 5:00pm to 10:00 pm.

Now they follow state guidelines which are shooting/ operations from 7:00 am till 10:00 pm. No news paper announcements.

The clubs dues are $40.00 for a single $50.00 family. $5.00 under 18 Military membership is FREE. Walworth is a trap only club due to the lay of the land. The club is located in Walworth on the west side of Rt 350, just South of Atlantic and North of Penfield roads (Rt. 441)

(FYI):Even today many long time gun club members across the state believe they own a piece of their club. To this day in some places club members feel they have some monetary due coming to them.

What really burns me is one of the 3 people who held the club hostage for 16 years is a diehard firearms owner & has one of the largest arms collections I've ever seen.

The New Segregation: Part 2 The New Racism

By Bill Cyrus

As mentioned in my last writing, Part 1 of this article, the pro 2nd Amendment effort in this state has crippled itself severely by excessive focus on presenting itself from the perspective of hunting and other hobby related activity rather than principles of American liberty, civil rights, and universal human needs. A key disadvantage in the "sportsmen" focus is that it automatically corners us into a minority of the population by demographic exclusion and removes the essential elements of legal, political, moral, and practical analysis which clearly point to our side being correct in every aspect of the matter and for which the other side has no effective argument. This tactical mistake has allowed the issue to fall into a horrid mire of symbolism, misinformation, and prejudice, which the other side exploits readily and converts into a matter of public policy.The way they continue to maintain the legal, political, and social status quo is remarkably similar to how they attained support for and enacted the laws decades ago.

Ironically, the 1950's and 60's push for civil rights on the basis of equal treatment of racial minorities gets little attention for having failed in its purpose of eliminating bigotry and injustice under the law. In all reality, they merely displaced it, and the state of New York's laws, legal and political culture have continued in the ways of the Jim Crow era perhaps in part as an indirect result. As we see in Clayton Cramer's excellent article "The Racist Roots of Gun Control", other scholarly works from Steven Halbrook, David Kopel et al., as well as within the text of Heller and McDonald opinions by the US Supreme Court, the laws pertaining to firearms today were predominantly intended to disarm blacks, Italians, Latinos, Chinese, and other ethnic minorities. Such laws were passed on the premise that the groups were inherently dangerous and must be controlled as a means of protecting the population at large. The removal of racism and segregation as political and social institutions left a void which neither politics nor society were willing to leave unsatisfied. The laws and rulings from that time period are held in place in the public mind and legal culture today because those beliefs are unchanged, only conveniently transferred to legal gun ownership as a whole since smearing of racial and ethnic groups is no longer considered socially acceptable while the need for a group of people as a scapegoat for failings of public policy and shortcomings of humanity in general persists. The anti gun ideology has taken the role of being the new racism.

There seems to have evolved a certain sense of personal gain for those who cling to prejudice against gun owners as a culture, and even in some ways identity, which takes on many of the characteristics of racism as seen as a prevailing attitude in the 19th and early 20th centuries. Of no small significance is the convenient shortcut for morality. People inherently have a basic sense of right and wrong and desire to see themselves as good, but if they can would rather take the shortest route to get there. A religious context of moral values involves difficult choices, and in today's culture of convenience that simply doesn't work too well for a lot of people. More often than not the individual falls short of the beliefs they would be most proud to claim, so they have to grade themselves on a scale that they can comfortably pass. Taking symbolic stances against things conveniently distant from themselves, to which they can easily attribute various evils and ailments of the world in a broad context, is a quick and cheap way of feeling good and giving them something to stand up and say they accomplished. They can simply say that because they don't own guns and oppose doing so, which they see almost exclusively as being something bad people use to do bad things, they're automatically good people—they don't have to give up vices, control anger, envy, or selfishness, or be especially respectful, responsible, or benevolent, instead distracting from and de-emphasizing their own shortcomings with lofty idealism which may conveniently borrow religious and moral undertones and connotations for good measure. They can claim affiliation with noble causes against an abstract of social problems under the broad category of being " against violence", taking on a pretense of enlightenment and benefit to society without the trouble of actually accomplishing anything, nor being judged on the results of their wishes or pursuits.

In a social context, guns and gun owners become a convenient voodoo doll for jokes and badmouthing. Gun owners are prejudicially labeled as a class and treated in much the same way as racial minorities were. In his paper "Gun Control: A Realistic Assessment", Don Kates points out that gun owners have often been labeled with exactly the same stereotypes: savage, uneducated, culturally backwards, immoral, foolish, drunken, paranoid, and dangerous to government and society. Why? As Jeff Cooper laments in The Art of the Rifle, sadly much of the identity of a firearms owner both in and of itself and as a part of being a traditional American in general, has been culturally attacked and alienated due to urbanization and a cultural disconnect from previous generations. As Dave Grossman points out in "Of Sheep, Wolves, and Sheepdogs", those to whom arms and the need for them are unknown treat them as foreign, and by resulting extension of ignorance, as objectionable, deserving of disdain and loathing.

On a basic level, in many instances there is some rational interest in voluntary segregation and discrimination against outcast types. There is an interest to protect oneself against crime and social breakdown, especially for one's family. Avoidance of whom they assess as being risky makes sense, as would discouraging peers and family members from adopting the attributes of the same. On a less likeable level, individuals can play against stereotypes of inferiority as such to elevate their own self-esteem, similar to schoolyard bullying and name-calling. Again, as ethnic groups have been declared off limits, as have the handicapped (physically and mentally), various religions, etc. something has to fill the role. "Redneck", "packing heat", "Wild Wild West" and various other disparaging terms and phrases blend in various other aspects of an "us vs. them" identity: rural versus urban/

(Continued on page 13)

Nassau County Lawsuit Update

By Alan Chwick

First, I want the extend a huge "Thank You!!" to the BoD of S.C.O.P.E., and to the membership, for their support and backing of this lawsuit, from the start. This little case, budded by me as, "The little case that could...," has turned into a major precedent, for Penal Code 400, in New York State

The case, Chwick v. Mulvey, 81 A.D.3d 161, 915 N.Y.S.2d 578 (2nd Dept. 2010), started, as you know, as a *pro se* case in N.Y. Supreme Court, with Tom Fess, Edward Botsch and myself as petitioners. At the trial level, we were denied our claims. Needless to say, as this court's ruling can be read at http://www.incnf.org/Art78/Doc04-JudgeDavisRuling.pdf, Judge Davis, and his staff, came to very wrong conclusion about New York State preemption.

The lawsuit was then appealed to the New York State Appellate Division, Second Department, and with the excellent skills of Mr. Robert Firriolo, Esq., of Duane Morris LLC, his oral argument won on the appeal. Go to http://www.incnf.org/2ndDeptOA/ChwickvMulvey.mp4 to hear the oral argument from 04/09/2011. The appellate court, viewing this from a state point of view, ruled, in our favor, with a 4-0, 12-page ruling (no dissents). Read the appellate court ruling at http://www.nycourts.gov/rporter/3dseries/2010/2010_09911.htm.

Now, normally, a ruling has downward jurisdiction, meaning that the trial courts served by the Second Department are bound by the ruling. But, as Mr. Firriolo found, there is case law that makes our precedent a statewide jurisdiction. You see, New York State Appellate Division is a single Statewide court divided into departments **for administrative convenience, not for judicial separation** (see Waldo v Schmidt, 200 NY 199, 202). And, as long as there are no other contrary decisions from another Department, and there are none at this time, under the legal doctrine of stare decisis, all the trail courts, under the New York Supreme Court, Appellate Division, are required to follow precedents set by the Appellate Division of another department until the New York Court of Appeals or the Appellate Division pronounces a contrary rule (see, e.g., Kirby v Rouselle Corp., 108 Misc 2d 291, 296; Matter of Bonesteel, 38 Misc 2d 219, 222, 16 AD2d 324; 1 Carmody-Wait 2d, NY Prac, § 2:63, p 75). This is a general principle of appellate procedure (see, e.g., Auto Equity Sales v Superior Ct. of Santa Clara County, 57 Cal 2d 450, 455; Chapman v Pinellas County, 423 So 2d 578, 580 [Fla App]; People v Foote, 104 Ill App 3d 581), and it is necessary to maintain uniformity and consistency (see Lee v Consolidated Edison Co., 98 Misc 2d 304, 306). Consequently, any cases holding to the contrary (see, e.g., People v Waterman, 122 Misc 2d 489, 495, n 2) are disapproved.

So, this "Little case that could...," becomes the the "Little case that does...," as its precedent is binding across the whole state. As to how this becomes valuable, that is the hands of fine lawyers who need a strong case in a preemption suit.

Again, I thank all of S.C.O.P.E. for their continued support.

(Continued from page 12)

suburban, politically conservative versus liberal, meat eating versus vegetarian/vegan, Caucasian versus various other specific ethnicity, traditional masculinity versus other gender interpretations, individualist versus collectivist, etc. "Because I'm _____, that's a _____ thing and I'm not _____ and don't want to be " explains their opposition and denigration—no facts, personal experience, or further thought needed. By not being "one of those people" and distancing themselves from descriptions of such, they assert their own inclusion within and adherence to the "virtuous" characteristics of those with whom they identify as their own. As Kates' article points out, the same people may proudly tell you that they are tolerant, enlightened people while scarcely aware of the irony, if not outright hypocrisy, of the bigotry they espouse in replacement of that which they claim to reject.

Rational ignorance plays heavily in this problem. People are often too busy in their own lives and work to learn too much about what they don't encounter in everyday life. Even otherwise educated and intelligent people will, upon occasions and certain subject matter, take what input they get from TV, movies, and common news media as sufficient information on a topic for their purposes when they have reason to believe that little advantage can be had from doing any further investigation and thinking on their own. The segregating effect of gun laws has effectively removed legal gun ownership from their midst, so as a matter of function it has been excluded from their lives and thus outside the knowledge base which they have immediate access and thus what they would consider practical to explore. As we move to take down the laws which have formed this barrier of cultural segregation, rather than just addressing it for what it means to our side, most especially as we understand it in our lives which include being "sportsmen", we must address the barrier itself and the effect of misinformation and prejudice it has cultivated and make effort to resolve both parts together with the understanding to identify and address them for what they are.

Burqa wearing gun owners

By Paul Rusin

There was a time in America where it was a privilege, an honor, and the law that one must, to be able to rightfully carry your weapon of choice out in the open, or concealed, however one wished, and without government interference, without the need for permits, submission to authority for licenses, etc. At one time our Second Amendment covered every citizen, and government protected the rights of the individual. That time has long passed. Since the Progressive movement, and even prior. States, like Tennessee, tried to outlaw the carry of firearms in the 1830's, but state courts rejected the law, and overturned it, based on Second Amendment criteria ("...shall not be infringed"). Even Justice Story, on his treatise on the Constitution, was noted to have written that should any attempt be made against the amendment it would be at the state level, but that if such an attempt were made, that the "Second Amendment" would prevent its being constitutional.

Once relegated (in vogue in western territories before they became states) to the outlaw west, the authority to do this was never considered correct within the United States proper. That is, until the period of Prohibition when running booze became a full time, gangster style job. Prior to that names like Dillinger, and 'Baby Face" Nelson, the James Boys, Ma Barker & her boys, and other bank robbers ran around taking money which the Federal Treasury properly considered within their purview. The Tax man, and revenuers, too became legendary in song, and movie.

In the early 1900's, Timothy Sullivan and the gang at Tammany Hall, the corruption involved, the desire to attain, and hold power, the state of NY determined that due to the rise of murders in NY City that a law needed to be on the books to stop the criminal activity, much of it sponsored by the criminal gangs, many of those run by Tammany Hall itself. Tim Sullivan was a man of ill repute, noted in the Movie "Gangs of New York." The extent of the corruption was widespread, and the organization was under constant scrutiny, and investigation. The fact is, Tammany Hall was a corrupt political organization as many came to learn, and as many within the system knew at the time. The problem was the power the organization wielded, a power they were reluctant to relinquish to the people, especially the many of "we, the people" being 'undesirables', many illegal aliens, many legal aliens, but thought unequal to those Americans already here who had for generation eked an existence out of the woods, and cities of the new world.

As many states came to realize that their political power could be gained at the behest of the masses by staunching the corruption, and illegality, by keeping the people, in other words, "safe" from the criminal element they found these masses more willing to submit to laws which would stifle their rights. As the educational system devolved to our current 'socialist' public education system, as the criteria to be taught was changed, as the educational processes assumed that propaganda would be better than actual teaching of history, the constitution, the beginnings of our country, and why these then created a capitalist system with a rule of law, all law answering to the constitutionality by the court(s). Whatever happened to these concepts? The people were mis-educated, fed a line of BS for so long that today we don't question our masters, but instead simply kowtow to them. When did the change occur that presumed in a whole people's mind that government was the be all and end all, whereas individual thought, innovation, creativity, responsibility, and individual rights could be trampled upon for the new ideology of the 'common good', the new math, the new world order? How did 'the common good' devolve from "limited government" into 'all encompassing' government?

History relates that it started after the Civil War (War Between the States, or War of Northern Aggression, depending on where you live and your ideology). I tend to believe that the states could not only decide to join the union, but given the Declaration of Independence's assumption that one could decide to throw off any government, and design one to fit the needs of the people whom it represented; that secession was legal, justified, and constitutional.

During this after war period, the states often passed laws (Jim Crow) to prevent former slaves from owning, or bearing arms. This, of course, depended on these who were prohibited abiding by the law. As we know, some did not, and those who did often ended up at the end of a noose, put there by white sheeted, and hooded, thugs of the KKK. In essence, the war for liberation (meaning constitutional rights applied to all equally) of the black populace lasted much longer than the Civil War did, by decades. In the 1950's, and 1960's, the Civil Rights movement took off. Prior to this Amendment's 13, 14, and 15, were adopted to try to bring all states into compliance with equality under the law; in essence, true equal justice. However, nowhere was justice ever admittedly equal. Equality can only come from "rule of law," and adherence to the principle(s) of the law, the primary law in our country being the constitution.

In 1934, FDR passed the first Federal Firearms Act. It disparaged the ownership of the first "Weapons of Mass Destruction," fully automatic rifles (military assault rifles), and sawed off shotguns, and rifles. Along with these, the ownership of silencers was also prohibited. That the law was wholly unjustified given that weapons of this type were seldom used, or owned, by the general population, given that the majority of these weapons used were by notorious gangsters, and thugs, the non-necessity of the law couldn't be any more apparent. That one could own these if they applied to the FBI for a permit to do such, that said permit was, in essence, unconstitutional (see the meaning of 'infringed'; 'encroach,' and 'hinder,' among other definitions of infringe).

The Miller decision stated that American citizens could only own those weapons pertinent to militia/military use, but our military had used both shotguns, and full automatic weapons in WWI, which ended a full 16 years before passage of the Federal Firearms Act of 1934. The supposition was that such prohibitive laws would make it so costly to own these weapons that only outlaws would own them. At the time, a permit to own such was $200. During the Depression, when most worked for $1 a day, or less, this was cost prohibitive to the general person. This didn't include the cost of attaining the weapon, keeping it in good working order, or supplying it with ammunition. A cheaper alternative was the sawed off rifle, capable of being carried discretely (concealed) where ownership of pistols was now under "permit" systems.

Let me first off note here that in the Shuttlesworth v. City of Birmingham decision (1969), the courts declared that permits for rights were unconstitutional. They quoted the SCOTUS decision of Staub v. Baxley, which decried permits for sales within various districts. There was also a decision about permits being needed to solicit for churches proselytizing door to door. In Shuttlesworth, quoting from Staub, the justices noted that permits for rights were "unconstitutional censorships, or prior restraints" on the individual. As such, anyone faced with such a licensing law "may ignore it, and engage with impunity in the (right) for which the law required a license (permit)." One of our Supreme Court justices, Justice Ruth Bader-Ginsburg, during the Heller decision, asked complainant Heller if he would be acceptable of a permit system in D.C. I had written seven of the 9 justices, RB-G excluded, asking that when they considered the Heller decision that they also announce that not only was "the right to keep and bear arms" and individual right, but also that it was not to be infringed, as the amendment notes. I sent them the information on the Shuttlesworth decision, and asked that the two justices not written to be filled in by the other seven. As we can see, these justices, all 9 of them, didn't follow past precedent in this case, and instead opted for a watered down version of the Second Amendment more consistent with current ideology, and inconsistent with our Constitution's plain language; "...the right of the people to keep and bear arms shall not be infringed." With what part of this didn't the dissenters concur? Were they using their perceived agenda to create a constitutional crisis? Why did a recent decision in regards the Permit system be turned away by

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Congressman Engel Aims To Disarm the American People

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Representative Eliot Engel [D] 17th NY, C.D. is consistent in his goal of creating intrusive, over-spending and bigger government demonstrated by his voting record going into his third decade as our Congressman. In his April 2011 monthly newsletter he again masquerades his complete disdain for the US Constitution and the 2nd Amendment in particular, behind the guise of protecting the public by disarming the public. Representative Engel blames all societal violence on American private gun ownership;

" With over 280 million guns in civilian hands, the terrible truth is that there is no place to hide from gun violence. Children and teens are not safe from gun violence at school, at home, or anywhere else in America." [Rep. Engel – 4/2011 Newsletter]

He blamed the mentally ill using guns is the problem and infringing on our right to keep and bear arms by making it practically impossible to obtain munitions and arms will cure them of their compunction, as if a new law would stop a law breaker intent on murder. Citing the statistics of crimes committed with a gun is countered overwhelmingly by the number of law-abiding gun owners. Anti-gun supporters sell their agenda by fear. Fear the gun and the Government will protect you by taking the gun away from you.

Their logic is statistically Guns kill people by intent and accident, so private ownership should be infringed upon by the US

Congress in order to protect us from them. Statistically, more people are killed by cars and choking on chicken bones when compared to the population of gun owners. By his own argument, Rep. Engel would outlaw car ownership and propose legislation that only boneless chicken be served to the public.

Instead, support legislation that promotes incentives to sponsor and attend firearm safety courses, fire arm instructor training, more fire arm competition and contest events. "280 million guns in civilian hands" that have been well trained and well prepared are more responsible than not. Gun violence is solved by a well armed, regulated and trained public. They will make it necessary for the criminal to hide from and fear us. A government intent on seizing our inalienable rights will have to contend with the American Minute Man, the framers envisioned as the vanguard defense of our rights from a government with a voracious appetite for more power, taxes, and public dependency. The US Constitution was crafted to ensure personal freedom by restraining the government and Rep. Engel believes it should be used to constrain a free people to empower an over-bearing government

The legislation sponsored by Rep. Engel makes no sense. Outlawing Armor Piercing Rounds stop the criminal from using it to commit crimes as much as outlawing the gun does. Also, body armor of the best quality does not stop head shots of any caliber. Outlawing cars do not stop car accidents nor will outlawing guns stop gun accidents. I am a Federal Firearms Licensee and can attest that criminals do not subject themselves to FBI background checks prior to committing a violent crime. H.R. 1506 is ineffective also because it aims to block known terrorists trying to purchase firearms. We need to apprehend them, if they have the temerity to try. Provide the Terrorist Watch List to authorized Firearms dealers and watch how many terrorists try that avenue of approach if they are apprehended for trying. Most illustrative of my point is we learn President Obama authorized $25 million to unnamed Civil War combatants in Libya, when we know 99% of them would not be permitted to board a US plane because of their potential Alqaeda affiliations. Yet, Rep. Engel offered no opposition to arming them, yet is relentless in his efforts to disarm us.

"Co-sponsored H.R. 1506, the Denying Firearms and Explosives to Dangerous Terrorists Act - It would close what is known as the "Terror Gap". Under current federal law, the FBI has no authority to block sales of firearms to suspects on the terrorist watch list. After 9/11, it makes no sense that the federal government cannot stop gun sales to some of the same people it believes are too dangerous to get on a plane. This bill gives the Department of Justice the discretion to block the sale, delivery, or transfer of firearms or issuance of permits to individuals believed to be terrorists." [Rep. Engel – April 2011 Newsletter]

The anti-2nd Amendment proponents have tried every emotional, heart tugging, magician's slight of hand trick to justify "infringing' on our inalienable right. They will never propose a means to keep free people armed and ready to defend themselves from harm or a future tyrannical government intent on diluting the Bill of Rights. Tell your Congressional Representative we have no better protection than the US Constitution. Remind them that they should honor the oath they took to preserve it when they were elected.

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the SCOTUS? We can only surmise that they have done so in an effort to put off the rights of the people to keep and bear arms. To what end? Do all those in power believe that our constitution needs revision, and if so, why are they unwilling to do it by the process inclusive to it; amendment? Worse, since even the left today considers "past precedent" so vital in being maintained, given the erroneous decision in Roe v Wade, why would they skip over Staub/Shuttlesworth? After all, it is a "Civil Rights" decision, and all of our rights are civil rights as Abraham Lincoln so aptly made known when he stated our constitution was a "Civil" document.

So, why is it that we have to "conceal" our firearms when we carry? It is very similar to those in Islam who make note that women must be covered head to toe by a burqa. Are firearms so enticing that more people would carry if they knew it was not only possible, but our God given, constitutionally guaranteed right? And, if it is a constitutionally guaranteed right, why haven't our past presidents taken states to court to get laws which are passed by them which"infringe" the right, and have them overturned? Isn't that their job?

I'm sick of being relegated to being someone who must hide my belief in my constitution. I am sick of being bullied by the media, the police, the government at all levels because I desire, and do, carry a weapon on myself at all times. I am tired of trying to keep it hidden, and should it poke out for some reason being prodded by local para-militarists with guns drawn as if I am some kind of human scum, the lowest of the low, for merely exercising my right as an American citizen? Why is my life jeopardized because I wish to be equal to a para-militarist (local law enforcement)? It seems incongruous with our rights, yet it is happening throughout the United States. Are we now Mexico, Canada, Britain, Australia, or New Zealand? Why is it a law abiding citizen who has a permit is subjected to guns drawn, in your face, confrontation by these para-militarists? And, what right do they have to do so given that the state allows my right to be turned into a privilege, and at my behest, when I comply with their inane, ridiculous, unconstitutional permit system laws?

I'm tired of, in essence, having to wear a burqa over my weapons in public, because I appreciate, and exercise, my right (not state sponsored privilege) to keep and bear arms.

From: SCOPE, PO BOX 602, TONAWANDA, NY, 14150-0602

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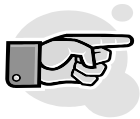

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