



Official journal of the New York State Rifle and Pistol Association, the state's official NRA affiliate

Vol. 62 No. 3

USPS 996-700

August 2023

# **The Fight Continues**

The 2nd Amendment

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.

# America's 'culture war over guns'

see page 15

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**BULLET** magazine

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# Deadline for submissions for the September issue of *Bullet* magazine is: August 22, 2023

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### The official journal of the New York State Rifle and Pistol Association

# August 2023 - Vol. 62 No.3







# President's Message

# The C.C.I.A., or the Concealed Carry Infringement Act

Yes, ladies and gentlemen the Concealed Carry Infringement Act. I'm tired and you are also of these bad intentioned and woke politicians attaching these innocuous sounding names to these draconian laws that are only meant to steal your Second Amendment rights. That's right steal!

Think about this for a moment; all the anti-Second Amendment anti-guns laws that have been passed since the Democrats took control of both houses of government have been done without public hearings. The only groups that have participated in the writing and passage of these atrocious laws are the Bloomberg, Giffords, other anti-gun groups and the Democrats. Not one pro-gun group has ever been asked for input before these terrible laws were passed. Is that transparent representative government? Hell no! That's how laws are formulated in Russia or China, not how the process is supposed to work under our U.S. Constitution.

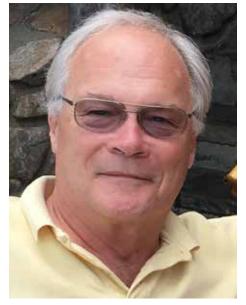
Why is this happening in New York state? Because we no longer have a representative government. The cause of most of our woes is one-party rule. It leads to an abusive system that gerrymanders election districts, institutes abusive/lenient laws, refuses to enforce laws, fails to care for the mentally disabled, and most importantly weaponizes government against its citizens.

Think about this! In many of our cities habitual criminals are set free with little or no bail to commit even more heinous and violent crimes. Privileged drug addicts accused of carrying a firearm are given sweetheart deals and spend no time in jail. While you or I could be accused of an administrative crime and lose our rights, be fined, and spend time in jail. Why? Because of liberal one-party rule.

How does one-party rule come about? I'm afraid it's simple with a few causes that can be easily identified but not easily fixed.

First, we must take control of voting districts out of the hands of a partisan Legislature that wants nothing more than to insure the continuation of their party's control. We must pattern our system of government after the federal system, the lower house (Assembly), based on population densities and the upper house (Senate), based on one representative per county. We must institute voter identification to insure one person, one vote. Lastly, we must ensure that our voting machines are secure from outside interference.

How is all this accomplished? We must forget what the media is saying!



Forget what our parents taught us about politics 20 years ago! We must not listen to the propaganda coming from our unions! We must be careful of what we see on social media!

However, we *must* register to vote! We must vote! We must help our family, neighbors, friends, and anyone else who needs assistance to vote. We must understand the issues. We must understand the U.S. Constitution. We must assess and evaluate all ancillary conditions that are important for us to make informed voting decisions in line with our core beliefs.

Remember elections have consequences. We are living them now.

Deadline for submissions for the Ocotber issue of Bullet magazine is: August 22, 2023

### BULLET magazine

### by Tom King

# Act Now and Let Your Legislative Representative Know How You Feel

The following is part of a statement from the New York State Sherriff's Association regarding the Concealed Carry Improvement Act<sup>1</sup>:

> Once again the New York State Legislature has seen fit to pass sweeping new criminal justice laws that affect the rights of millions of New York citizens, and which impose burdensome new duties on local government officials, without any consultation with the people who will be responsible for carrying out the provisions of those new laws. This has become a habit with the Legislature ...

The statement continues to note that some action was needed because of the Supreme Court's decision regarding the unconstitutional restrictions on the state's citizen's rights to keep and bear arms. And, I agree with the New York State Sherriff's Association when it continues that this: "did not need to be thoughtless, reactionary action, just to make a political statement."

A ruse was used to skirt the requirement that legislators and the public must have three days to study and discuss legislation before it can be taken up for a vote.

In its statement, the New York State Sherriff's Association continues:

> The Legislature leadership claimed, and the Governor agreed, that it was a "necessity" to pass the Bill immediately without waiting the constitutionally required three days, even though the new law would not take effect

for two months. Consequently, law enforcement agencies and the courts, which bear most of the responsibility for implementing the new licensing laws, were deprived of any opportunity to point out to the Legislature the burdensome, costly and unworkable nature of many of the new laws' provisions. And, of course, our citizens whose rights are once again being circumscribed, probably again in unconstitutional ways, had no opportunity to communicate their concerns to their legislative representatives.

We want to be clear: The Sheriffs of New York do strongly support reasonable licensing laws that aim to assure that firearms do not get into the wrong hands. We do not support punitive licensing requirements that aim only to restrain and punish law-abiding citizens who wish to exercise their Second Amendment rights. If we had been consulted before passage of these laws, we could have helped the Legislators discern the difference between those two things, and the result would have been better, more workable licensing provisions that respect the rights of our lawabiding citizens and punish the lawbreakers.

I applaud the sheriffs for stating the plain truth regarding the way the governor and the legislators gave the middle finger to the U.S. Supreme Court, and continue to violate the civil rights of the citizens of New York.

They have made it more expensive and more difficult to exercise our Godgiven freedom! I urge all members to contact their Assembly member, state senator and the governor and express your opinion regarding their abuse of our freedom! Do it today.

<sup>1</sup> https://nysheriffs.org/statementconcerning-new-yorks-new-firearmslicensing-laws/



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# It's Time To Step Up and Join In

### by Charlie Beers

As a child, I found great frustration when my father came home from work unhappy or disturbed with a particular client or situation. In the simplicity of my childish experience, it meant that my father needed to quit his job, find another, and move on. Somewhere between my lineage of being Dutch, and coming from a dairy-farming family, quitting was never discussed or encouraged. As each school year passed, I watched my parents take on greater responsibilities in my immediate environment. When my Boy Scout troop stumbled and neared closure, my father became Scout Master with my mother beside him laying the logistical framework.

I watched as our Pastor fell from grace, and the church board needed leadership—my parents leant their time and talents. The summer camp, PTA, youth group, sports teams and even other families benefitted from the time my parents devoted to overcoming challenges. Sometimes organizations brought struggle upon themselves from within. Other times the outside enemies were revealed as they neared the gate. Either way, the answer in our home was to learn what you can, offer your skills and make any organization better.

In the last decade, forces have been afoot to tear down disrupt and reframe the works of our NYSRPA and our NRA. As always, some of these destructive elements are internal to each organization and thankfully (in my mind) most of these forces are from the outside. I struggle the most with the internally ambivalent people. This is the person (or people) who exist without providing added value



within any organization. It is those who want the benefits of membership, the protection of the herd that often complain the most. We have them in our own gun clubs, and at the little league fields in our towns. I love the parents who complain to and about the schoolteachers and administrators, but never join the table at a PTA meeting or offer to be a homeroom parent.

I have watched some motivated parents (usually moms) persevere through COVID, substitute teacher shortages, financial shortfalls, and ambivalence among the majority to keep an elementary school open and thriving as others failed. Most tables I sit at are not unanimous on every vote, but they strive to support the goals of the group and stick to core values. Churches can lose traction on items as simple as paint colors and wallpaper preferences. Effective leaders can steer a group toward common ground and the foundational pillars that hold groups focus.

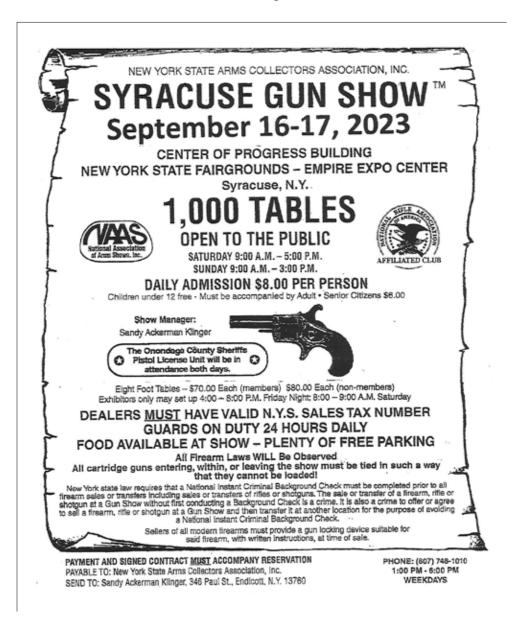
Almost 10 years ago, I joined the NYSRPA board of directors offering to advocate for our rights and share our voice in Albany. This April, I was sworn onto the NRA board of directors, a 76-member volunteer body with a 152-year history of training, education, and firearms advocacy. I have read viewpoints and constructive criticisms of this board of directors for decades, but I have agreed with the general trajectory of the group. Wild animals tighten the herd and face horns out when the threat level elevates in nature. Shootists would be well-advised to tighten the herd and face horns out. Infighting and disagreement can only weaken our groups and open us to the enemy's assault.

I have known many NRA directors over the years. Some only at arm's length and others whom I have been comfortable enough with to travel, to share meals and to hunt. The NRA has provided wonderful friends, experiences and mentors to my whole family. Advice on life, business, faith and family has always been available within this great network. The board of directors is comprised of lawmakers, lawyers, businesspeople, doctors, engineers, enforcers of the law, parents, professors and grandmothers and grandfathers. Each year, 76 elected volunteers pledge to support and guide our NRA.

I ask you to think of a 56-member group that was unhappy with the governance they were receiving and the suppressive taxation that was stunting their growth and development. A group comprised of lawyers, merchants, physicians, military officers, ministers, farmers, a musician, a scientist, a printer, a surveyor, and a speculator. There ages ranged from 26-69 and they all were committed to the greatest social experiment ever attempted. These 56 men signed and pledged to our Declaration of Independence and the founding of our nation. Fifty-six men-as well as their families-had to stand against unbeatable odds and overcome internal and external strife. Fifty-six men of principle had to see common goals and ignore the diversions of the day. This nation is the greatest nation ever conceived, even as we struggle with technologies, language and societal shifts and norms of the 21<sup>st</sup> century. We are still a nation of education,

opportunity, innovation and common good.

In the past two years, the gun-rights world has had some monumental victories and increasing criticisms and pressure. Much like my father and mother taught me years ago, this is the time to join and support the cause. Support with your time, constructive thoughts, skills and wallets. We are swimming against a wellorganized and well-funded torrent of the anti-gunners in our culture. Two decades ago, Charlton Heston asked a memorable question: "If you could look 100 years into the future to see the status of our Second Amendment, would you?" As a follow up to his question, I ask you: "What life and freedom are we leaving to our children, grandchildren and communities?"



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BASIL TOYOTA



Jephanie Reyr



















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# Prejudice Leads to the Need for Self-Defense

As the latest issue of the *Bullet* pointed out, prejudice against Italian immigrants was indeed the motivating force behind New York's infamous Sullivan Law. In this regard, it was no different than the Jim Crow laws of the post-Civil War South that sought to disarm the Freedmen, leaving them to the tender mercies of those who once called them property.

Prejudice against both Freedmen and Italian immigrants in the 19<sup>th</sup> century was spearheaded by Big Tim Sullivan in New York, and the Ku Klux Klan in the South. Their evil was aided and abetted by cheap politicians who pandered to the base instincts and worst fears of the people. No better example can be found, than in the most disgusting exhibition put on by any governor of any state in the 20<sup>th</sup> century. That was when George Wallace openly defied a court order by refusing admission to the University of Alabama to James Hood and Vivian Malone, while stating that he was acting in the name of democracy.

Nearly 70 years later Gov. Kathy Hochul outdid George Wallace in disgusting—by denouncing the Supreme Court decision in *Bruen*, before—by her own admission—she had even read it! And like George Wallace, she acted in the name of democracy.

The inescapable conclusion is that George Wallace and Kathy Hochul are two of a kind, just as Big Tim Sullivan and the Ku Klux Klan were two of a kind. When George Wallace first ran for governor of Alabama, he had the support of the NAACP and the B'nai Brith. When Kathy Hochul was in Congress, she bragged about her "A+" rating from the NRA! Both Wallace and Hochul abandoned principles, choosing instead to pander to people's basest instinct, for the sake of money and power, both George Wallace and Kathy Hochul acted in the name of democracy.

George Wallace died a pitiful, pathetic man, broken in body and spirit. He repented his entire life, and that he had allowed himself to become a force for evil—just as Kathy Hochul is allowing herself to become now.

We can show no pity for Kathy Hochul. Rather, we must stand firm against her, and defend our freedoms against all demagogues—male or female.

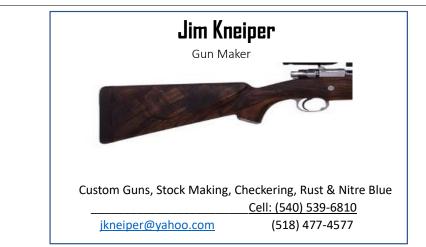
Today, too many New Yorkers live in fear for their safety. And while I speak of all New Yorkers, I want to single out my own people, New York's Jewish community. With anti-Semitism on

### by Ira Pesserilo

the rise, exemplified by that vile screed that emanated from CUNY Law School recently, too many of my Jewish compatriots are now living in fear. We don't have to. Like the Freedmen of the South, it is time for us to take the matter of our self-defense into our own hands.

To those who don't come from a gun-owning family background, the decision to become armed is indeed stressful. And many mature adults may be afraid to pick up a gun for the first time. That is understandable. But I will help you.

I am the largest firearms organization in the whole country. I will instruct you how to safely handle a firearm. I will show you how to shoot. I will introduce you to other people who embrace their Second Amendment right, who can provide tutelage and camaraderie. I am not afraid. I have faced down, and I fought back against tyranny for 152 years. I am the champion of the right of self-defense. I am freedom's safest place—I am the NRA, and the NYSRPA —



# Women In the Shooting Sports

## by Jackie Emslie

With the passage of time comes the passage of friends and loved ones, including firearms instructors who have taught us about the safe and responsible usage of firearms. As their voices are silenced in eternal rest, their future influence need not be.

To those of us who are instructors: How often do you think about the next generation of instructors? Some instructors might feel threatened or territorial when it comes to training the next generation of instructors. Please don't feel this way.

Many instructors earn their living teaching courses, while others are volunteers. Whichever the case may be, it is our responsibility to seek out those who would make excellent instructors to whom we can pass the torch when the time comes.

That time comes when we are no longer—physically or mentally—able to continue teaching. Our bodies will give out and/or our minds will diminish. While this frightens us into the, "I don't even want to think about it" mindset, we owe it to ourselves and the future of firearms ownership to embrace the ability to influence the next generation. Instead of hoping that someone will pick up the pieces that you left behind, why not start training them now?

Seasoned instructors have an incredible skill set that any new instructor would benefit from greatly. During our years of classroom and range time, we have developed effective and efficient teaching techniques, figured out what worked and what did not, learned how to deal with difficult questions, and discovered all the other joys and



challenges of conducting firearms training courses.

New instructors who learn from you will not be stealing from you. Quite the opposite. The best gift to give a new instructor is your knowledge, wisdom, and experience so that wheels do not need to be reinvented, but received, used and then improved upon as time goes on. I have written many curriculums over the years and passed them on to other instructors to get them going. I find huge satisfaction in knowing that they have taken what I gave them as a starting point and made it their own.

In December of 2021, I retired from a 33-year career in information systems. During the last year of my tenure, I documented everything that I did

carefully, worked with my managers and other staff members to transfer responsibilities to ensure that our end users in our client departments would not experience any reduction in the level or quality of support. The fact that I would no longer be in public service should not affect our clients whatsoever. I also made it clear to those remaining in my department that if they called me, I would always and forever take the call and render all assistance. I must have done my transitioning out correctly because (to date) I have received only one phone call.

It is with this same determination and dedication that I will be approaching my next eventual transition. Recently, Scott and I purchased a home in St. Augustine, Fla., and we will be moving there within the next year or so.

Because I am so entrenched in our community, I am not going to drop everything and leave under the cover of darkness. Finding new teams for Friends of NRA, new instructors for teaching courses, and new leaders for community appearances (e.g., parades and activism) has proved not to be the huge challenge that I thought it would. There are a whole lot of great people who have been stepping up and looking forward to taking on these new roles.

I don't want to hear, "Jackie, what are we going to do without you?" for that would be stuffing my ego with some sinister—an irresponsible attitude that if I can't lead a project, no one can. Instead, I look forward to hearing, "Jackie, thank you for your wisdom. We'll take it from here. We'll call you if we need a consult, and keep in touch."

That will mean I did it right and I can enjoy the beaches and freedom of

Florida with a clear conscience and a satisfaction that I've left everything in good hands of patriots who will carry on the traditions of teaching excellence.

My brother and sister instructors: Do not fear the future. Prepare now to influence it. As instructors, it's what we do. It's what we must do.



The official journal of the New York State Rifle and Pistol Association



# **Bullet Advertisement Rates**

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# **Children's Corner**

# Congratulations to Jaxen on his big win!

Jaxen Hill, age 9, from Brunswick, N.Y., is a lover of all things outdoors. His favorite, by far, is target shooting.

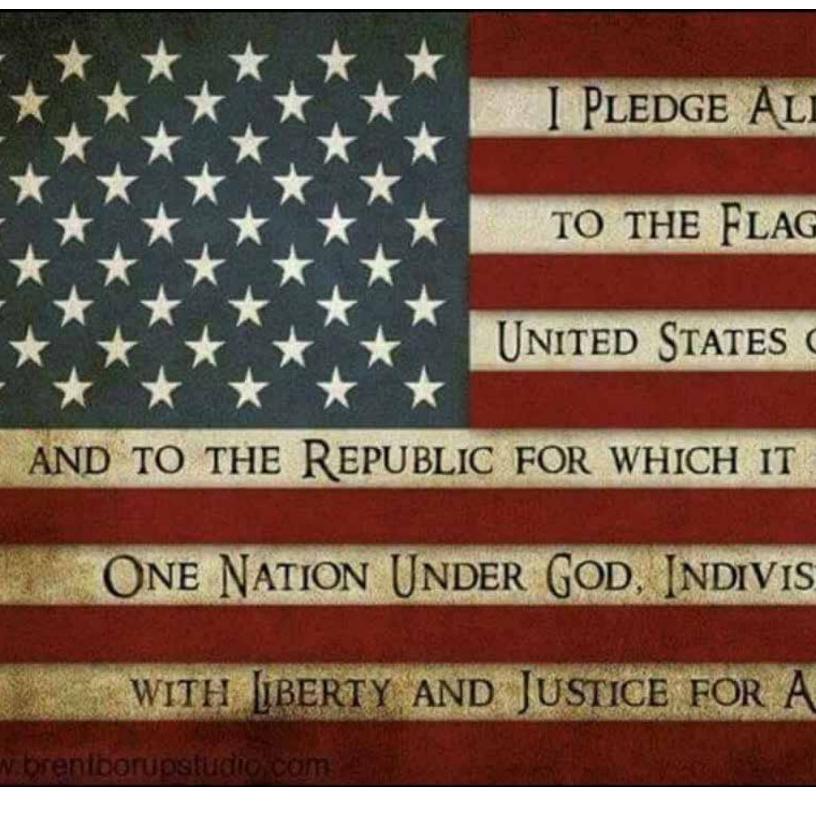
He sparked an interest in shooting at a young age and it just kept growing. He started with plinking targets and then repeatedly asked for all different kinds of targets (e.g., paper, auto-reset targets, and animals) for Christmas.

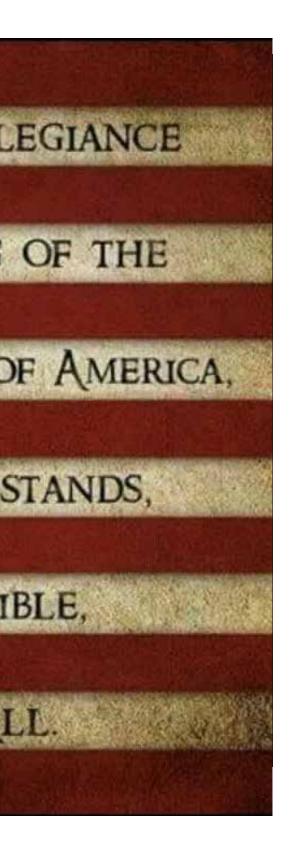
Recently, he entered his first BB shoot and had no idea what to expect. He ended up placing first in his age class (7-9 year-olds), and he won the grand prize beating out first place contestants from all age groups with a perfect score!

He was so excited and proud of himself—as were his parents! His family continues to support his passion for the sport and they hope he continues to pursue his dream of becoming a professional hunter with his own media channel.









# America and It's Guns

# America's 'culture war over guns'

### by Rank Miniter

It is perhaps no accident that the first example Dictionary.com uses under its definition of "culture war" is "a culture war over the right to own a gun."

This example is the result of a deep narrative that has been meticulously, and dishonestly, established by gun-control advocates who know that treating the Second Amendment as a fungible thing caught in the throes of a culture war can lead people to conclude that a compromise between warring sides must be found. And compromising a constitutional right is an incremental type of trap that would erode any civil liberty into dust.

For this reason, I have disagreed in this column before that this is an actual culture war.

That declaration is just too convenient for gun-control groups; also, it is more accurate to say this is a struggle between elites—many of whom have armed security—and a gigantic swath of the general public.

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To substantiate this second point, I would point out that today's anti-Second Amendment elites control mainstream-media outlets, many academic institutions, much of Hollywood and more. Still, as they're a small, mostly well-heeled and protected class of people, these elites have never been able to create large membership associations to support their gun-control positions. (Who wants to join an anti-Americanfreedom association anyway?)

Meanwhile, on the other side, there are well over 100 million American gun owners. These gun owners fit into every demographic pollsters can

separate us into, and millions of these citizens are members of the NRA.

To speak in terms an academic in a liberal arts department can understand, this is almost a *bourgeoisie* versus the proletariat situation. In this case, the *bourgeoisie* are the gun-control elites and the *proletariat* are, as in the French usage, the working class. But I did say "almost," as again, gun owners fit into every demographic, socioeconomic and otherwise.

Still, I must admit that, in certain contexts, an elites versus a dominant percentage of the population scenario can be called a culture war; after all, Dictionary.com does define "culture

war" as: "[A] conflict or struggle for dominance between groups within a society or between societies, arising from their differing beliefs, practices, etc." And this can be categorized as a disagreement between two groups "arising from their differing beliefs," but, again, the gun-owning segment of America is so diverse it feels dishonest to call them a group—though many gun-control advocates like to claim most gun owners are white, middleaged guys from the South, this simply isn't true.

I bring this all up and try to nail it down because it is actually the swing voter who mostly gets news and opinion (I realize there is no longer much of a distinction between the presentation of these two categories) from mainstream-media outlets, on social-media platforms or from comedians on late-night television and all of these media are mostly controlled by the gun-control elites. Given this, it can feel surprising that the struggle for Second Amendment freedom has made so much progress.

But then, that's freedom for you. With guns, people can feel freedom in their hands; even Hollywood has to give the hero a gun to defeat the villain.

Such is the struggle in this—okay, I'll call it this even if it is deceptive— "culture war."

Miniter is editor-in-chief, America's First Freedom

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The 2nd Amendment

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.

# The Battle for Freedom Escalates

# A year after the NRAbacked Bruen case, this U.S. Supreme Court decision is the basis for challenges across the country.

Just after the U.S. Supreme Court decided New York State Rifle & Pistol Association v. Bruen (2022), it sent several cases on its docket back to the lower courts, which had upheld gun restrictions, to be re-decided in accordance with the Bruen ruling. That's court-speak for "you got it wrong; now go back and get it right." And, in Bruen, the court made very clear how to get it right.

First, the Supreme Court demanded that lower courts answer whether the activity is protected by the text of the Second Amendment. As in, read my lips, "the right of the people to keep and bear arms" means what it says. Therefore, if the activity is presumably protected, then the burden shifts to the government to justify a restriction. If a case involves a ban on arms in common use for lawful purposes, then that is the end of the matter—the restriction is constitutionally invalid.

Second, did a similar restriction or an analogue thereof exist around America's founding when the amendment was adopted in 1791 or within a few years thereafter? If not, the restriction on our freedom is unconstitutional. If so, then a court must judge if the modern restriction is indeed in step with our historical traditions.

The court also made clear how not to get the enforcement of this decision

wrong. Basically, this means that judges can no longer weigh in with their arbitrary value judgments in a means-ends balancing act to uphold any and every restriction under the fancy term "intermediate scrutiny." The idea that the government can always win with a rubber stamp in these cases is now moot.

Let's start with the first case the court sent back to make a lower court get it right: the Fourth Circuit's decision upholding Maryland's "assaultweapon" ban, which was based on the delusion that ordinary AR-type semi-automatic rifles are not really different from machine guns and are somehow "weapons of war most useful in military service." The Fourth Circuit claimed this even though no major military force in the world issues semiautomatic rifles as standard service weapons to its armies.

Since there were no gun bans at the Founding, Maryland argued that it found an analogue in restrictions on similar "extraordinarily dangerous" weapons like Bowie knives. But, as it turns out, only a minority of states in the antebellum period restricted carrying these knives concealed, and none banned them.

A three-judge panel of the Fourth Circuit heard the case, called *Bianchi v. Frosh*, on Dec. 6, 2022. The fact that the banned rifles and magazines are in "common use" under *Heller* is incontestable. Who knows what the panel may decide, but the decision could include a remand to the lower court or a decision on the merits. Any decision reached could also be reheard by the entire court (*en banc*).

## by Stephen P. Halbrook

Meanwhile, we did have an opening salvo against *Bruen* in the form of the decision of the U.S. District Court in Chicago in *Bevis v. City of Naperville*, which denied a preliminary injunction against enforcement of Illinois' new "assault-weapon" ban. Ignoring the "common-use" test, which resolves that specified arms are not "dangerous *and* unusual," this opinion invented a test of "particularly dangerous" and applied it to the AR-15.

In support, the court made this odd claim: "The muzzle velocity of an assault weapon is four times higher than a high-powered semi-automatic firearm." Strange, considering an AR-15 *is* a semi-automatic firearm. And, though it is hard to make sense of this statement, perhaps they are attempting to compare .223 Rem.chambered AR-type rifles with rifles chambered in other calibers? Whatever the case, they clearly don't know what they're talking about.

The court then asserted that the "injury along the path of the bullet from an AR-15 is vastly different from a low-velocity handgun injury ...." So they compared rifles to handguns without regard to whatever they might be chambered in ...? Sounds like a bait-and-switch tactic to me.

### The special-need nonsense

Now, turning to the subject of the right to carry handguns, *Bruen* invalidated New York's law that issued permits to a favored few and instead held that law-abiding citizens generally are entitled to carry without showing a special "need." In reaction, New York banned carry on their crime-ridden subways, at churches and synagogues (which have been subject to extremist attacks) and just about everywhere else. To make carry into a store or gas station legal, a sign must be posted basically saying "Gun Owners Welcome" (woke code for "boycott this business").

Two district courts held these laws to be unconstitutional under the Second Amendment, and New York's appeal in several cases was heard before the U.S. Court of Appeals for the Second Circuit on March 30, 2023. In the NRA-supported case His Tabernacle Family Church v. Nigrelli, New York's lawyer admitted that "there are more threats against churches than other places," which actually supported any church's right to decide for itself whether its parishioners can carry concealed. As the church's attorney Erin Murphy replied, worshipers are simply "sitting ducks" in these soft targets.

No one questions the right of a private-property owner to exclude anyone for any reason, guns or no guns, but businesses obviously invite the public into their establishments. New York law flips the default rule of trespass with a mandate that notice must be given if someone may enter while they carry concealed. The state thus coerces specific speech on the part of businesses that may or may not want to take sides in politics—this is a violation of both the First and the Second Amendments.

We'll have to wait and see what the Second Circuit says about all of this, but it certainly won't end there.

#### West Coast cases

Now let's move to California, on the West/Left Coast, that marvelous hotbed of Second Amendment litigation and home of the oftenhostile Ninth Circuit. California bans the retail sale of semi-automatic pistols that do not have a "chamber load" indicator, a magazine-disconnect mechanism and microstamping capability (a futuristic design in which the firing pin imprints the identity of the pistol on the primer when fired). Not a single new pistol has been placed on the state's Roster of Not Unsafe Handguns (they couldn't bring themselves to say "Safe Handguns") since 2013, when microstamping was imposed, as zero pistols are made nationwide with this unattainable feature.

On March 20, 2023, the U.S. District Court for the Central District of California, in *Boland v. Bonta*, issued a preliminary injunction against enforcement of the law, holding simply: "Requiring Californians to purchase only outdated handguns for self-defense without question infringes their right to keep and bear arms." As the court recognized, manufacturers continuously improve firearms to make them safer, more reliable and more accurate.

Since pistols with improved designs meet the *Bruen* test of being bearable arms, the burden shifted to California to find analogues from the Founding period in which comparable restrictions were in place. The state claimed to find two such analogues. First, a handful of states in the early republic required barrels of firearms sold in state to be "proved," as in tested to ensure they were safe. But that was not analogous to the California law, which *stifles* the introduction of improved, safer designs.

A second analogue suggested by California was the existence of storage requirements for large quantities of gunpowder. But those were fireprevention regulations in the era of volatile black powder, and so this provides no support for the restrictions here.

There is a back story to this case that was revealed in the transcript of the hearing before the district judge. California's star witness was Saul Cornell, who testified that in his opinion, California's law fully complied with the Bruen decision. On cross-examination by plaintiffs' counsel, Cornell admitted to having written in SCOTUSblog that "Justice Thomas's [Bruen] decision" was based on "fiction, fantasy and mythology," and that Thomas inhabited a "bizarro constitutional universe." Further, Justices Gorsuch and Barrett were "ideological warriors and political hacks." Yet Cornell claimed to be a neutral "expert."

#### Restrictions on 18-20 year olds

Meanwhile, the courts are in disagreement about whether 18-20-year-old persons have a Second Amendment right to purchase or carry firearms. Before looking at a couple of the cases, attention should be directed to the Militia Act of 1792—passed one year after the Second Amendment was ratified. It directed "each and every free able-bodied white male citizen" ["white" was crossed out in 1867] aged 18 to 44 to enroll in the militia and to "provide himself with a good musket or firelock," except that each horseman must "furnish himself" with a sword and "a pair of pistols." This remained the law until 1903.

On March 9, 2023, the U.S. Court of Appeals for the Eleventh Circuit, in NRA v. Bondi, upheld Florida's law prohibiting persons under 21 from buying firearms. (They may acquire them in other ways, thus avoiding a NICS check.) It stated that the requirement to "enroll in the militia" (it ignored the wording to "provide" or "furnish" himself with arms) shed no light on the *right* to bear arms. It found a mere three states with age restrictions during Reconstruction and chose 1868, the year the Fourteenth Amendment was ratified, rather than 1791, when the Second Amendment was ratified, as the year that counts for analogues. Never mind that the Militia Act was still on the books then.

Just as an aside, the Fourteenth Amendment made most of the U.S. Bill of Rights applicable to the states. It did not change the meaning of the Bill of Rights. To set the understanding of the rights guaranteed therein at 1868—an unsettled, contentious period of American history—would up-end the entire body of U.S. Supreme Court precedents, from the First Amendment on down.

While forbidden by *Bruen*, the court in *Bondi* engaged in judicial-interest balancing, pointing to "firearm violence among some 18-to-20-year-olds." Well, if you want to play that game, leave females in that age group out of the equation, as their rate of such crime is extremely low. But, of course, the equal-protection clause of the Fourteenth Amendment would forbid a male-only ban.

The above can be contrasted with a March 31 decision by the U.S. District Court for the District of Minnesota, Worth v. Harrington, in which the court held that young adults are protected by the Second Amendment in obtaining permits to carry handguns. Persons aged 18 to 20 are among "the people" in the First, Second and Fourth Amendment contexts. As to the Militia Act of 1792, the court wrote: "And the fact that the Second Amendment itself discusses the 'well regulated militia' means the age-range of militia laws is of particular relevance to the reach of its protections."

This court brushed off analogues from the Reconstruction era as being too far removed from the Founding, not to mention that none of them prohibited carriage of firearms by citizens aged 18 to 20.

While not relevant to the original understanding of the Second Amendment, and thus not mentioned by the court, the Twenty-Sixth Amendment, ratified in 1971, prohibits denial of the right to vote to persons eighteen years of age or older. The demand for that right originated in the World War II generation and was consummated by the Vietnam War generation. The thought was that you are old enough to vote if you are old enough to bear arms in war. By the same token, you should be considered old enough to bear arms in peacetime.

The above civil cases give only a sampling of some of the outstanding *post*-Bruen cases. Criminal cases are also brewing, with some courts holding

as invalid the federal prohibitions on firearm possession where there is no conviction for actual wrongdoing, such as the bans applicable to persons under indictment (one judge quipped "a grand jury could indict a [burrito] if asked to do so") and to persons subject to a civil restraining order (which lacks the guarantees of a criminal proceeding). Such cases have a high chance of U.S. Supreme Court review.

Meanwhile, some courts are good at avoiding Supreme Court review. California's magazine-ban case, *Duncan v. Bonta*, could have been resolved by the Ninth Circuit when remanded by the Supreme Court, but it remanded the case down to the district court for further review, despite that court having already rendered an exhaustive opinion.

Make no mistake, some courts are engaged in massive resistance against *Bruen*, just as they did with *Heller*. Still, many courts are taking *Bruen* seriously and finding restrictions violative of the Second Amendment. What is unfolding is part of a larger historical struggle between freedom and government control, and it will never end.

Attorney Stephen P. Halbrook is a senior fellow with the Independent Institute. His latest books are America's Rifle: The Case for the AR-15 and The Right to Bear Arms: A Constitutional Right of the People or a Privilege of the Ruling Class? For more, go to: stephenhalbrook.com.

Reprinted from NRA 1<sup>st</sup> Freedom Magazine

# Hunters and Beyond: NRA Women Are All Under One Roof

It was amazing to be a part of the synergy created by the tens of thousands of female NRA members at the 152<sup>nd</sup> NRA Annual Meetings and Exhibits at Indianapolis, April 14-16, 2023. We NRA women gathered as mothers, daughters, sisters, wives, friends, business professionals, college students, hunters, target shooters and staunch 2A constitutionalists in addition to nearly 20 NRA Board members.

Fortunately, the NRA recognized long ago that there is no typical NRA member—let alone female member as our interests span the spectrum of firearms ownership. So in addition to working with a national network of 130,000-plus NRA-certified firearms instructors, coaches and training counselors for decades to offer basic pistol, shotgun and rifle safety, education and training courses nationwide, the NRA offers several key programs designed specifically for women of the NRA.

In 1993 it began addressing our requests for personal protection and crime prevention seminars through the Refuse To Be A Victim program. Thirty years later, the program continues to provide personal safety tips and techniques to help women avoid becoming a victim. In perpetuating training opportunities in the areas of personal protection, hunting and recreational and competitive target shooting, the NRA launched its noted Women On Target Instructional Shooting Clinics to teach safe firearms handling and storage and offer



opportunities to hone newly acquired shooting skills. In addition, the NRA's eight-day NRA Women's Wilderness Escape provides women ages 18 and older with opportunities to learn about hunting, shooting sports and other traditional outdoor activities under the supervision of NRA-certified instructors and outdoor specialists. Whether participants sign up to learn to shoot sporting clays or to go turkey hunting, they are guided in the safe handling and shooting of firearms alongside other women while amassing the skills needed to prepare for their own adventures.

To make sure such programs are funded into the future, in 1992 The NRA Foundation launched a Women's Programs Endowment. Tax-deductible contributions to the fund are invested and NRA women's programs are supported by the earnings and interest captured from the investments. As women continued to shape the future, the NRA went on to launch the NRA Women's Leadership Forum (WLF) nearly two decades ago to form a community just for women of the NRA. It is now one of the NRA's largest and most influential philanthropic groups as we share our time, resources and passion to protect the Second Amendment. In fact, the WLF just held its 17th Annual NRA Women's Leadership Forum Luncheon and Auction during the NRA Annual Meetings in Indy.

Most recently, perhaps the best tool at our fingertips is the NRA's fastinggrowing digital property: NRAWomen. com. The site launched in April 2020 amid the global COVID-19 pandemic when many organizations were shutting down. It took a giant step forward in supporting our needs and interests with a national website that gives a voice to women who shoot, hunt and seek to engage in Second Amendment advocacy. With a strong focus on personal protection, the site offers reviews of guns and gear ideal for women, while serving as the 2A community's most credible resource for firearms training and education. Home to thousands of articles written by respected experts in their fields, NRAWomen.com caters to all levels of expertise in firearm ownership and hunting. It provides the resources to help women get outdoors while welcoming and encouraging the millions of new female gun owners and hunters who have joined the NRA's ranks. And best of all, the website is available free of charge for members and non-members alike.

NRAWomen.com has also led the charge on helping women find the right handgun. Through her annual Ladies Pistol Project, Editorin-Chief Ann Y. Smith solicits input from a women-only focus group to test dozens of models of handguns and offer feedback through a survey. The results are posted online and serve as one more tool for women who are looking for advice on what might be her perfect gun.

For the many hunters in our midst, the NRA show also featured the annual NRA Hunters' Leadership Forum's (HLF) Dinner and Awards Ceremony. We were there in part to honor one of the most intriguing women in the outdoors—South Dakota Gov. Kristi Noem—and to present this NRA Life member with the HLF's NRA Distinguished Hunters Leadership Award for exceptional leadership in hunting and wildlife conservation. But we were also there to support the NRA, the organization we've counted on for 152 years to do hunters' heavy lifting—to protect hunting as a freedom, a right and a cherished way of life.

Protecting hunting's future is critical as we gun owners and hunters watched the 21<sup>st</sup> century bring about a culture war on us hunters fueled by groups like the Humane Society of the United States, PETA and others dedicated to shutting down all hunting. This is why in 2014 the NRA launched the HLF and established a permanent endowment to address the challenges to legal, regulated hunting's future. First up was tackling the communications hurdle to seize control of the narrative, accomplished in 2016 when NRA Publications launched the award-winning website-NRAHLF. org. The only issues-based news site of its kind, it works with our NRA Institute for Legislative Action to report on the threats to hunting on the state, national and global levels.

NRA also has always played a role as America's hunter safety leader. In fact, it designed America's first-ever hunter education course in 1949, which to this day remains a cornerstone of the NRA, offered in all 50 states. In 2017 it launched the free NRA Online Hunter Education Coursethe most comprehensive online hunter education course nationwide. To date, it has certified more than 100,000 new hunters and is available in 12 states, with more pending. To take the free course or to learn how to get it approved for use in your state, visit NRAHE.org.

Underscoring the course's impact, in 2019 the U.S. Fish and Wildlife Service (USFWS) announced state wildlife agencies now may claim a dollar value of the course as inkind match dollars to access federal Pittman-Robertson (P-R) grant funds. The move marks a major win for the NRA and state wildlife agencies, which rely on the P-R



The official journal of the New York State Rifle and Pistol Association



dollars administered by the USFWS' Wildlife and Sport Fish Restoration Division for their fish and wildlife conservation programs. It also bolsters states' hunter recruitment efforts and the national NRA-backed R3 movement (Recruitment, Retention and Reactivation).

I've spent my decades-long career promoting the NRA and helped it launch two official journals, but I'm an obsessed hunter who happens to be an NRA Endowment member particularly because I know what it does for hunters. Imagine what would happen if there were no NRA. Pick up the March issue of American Hunter where I wrote how my husband, Phil, and I travelled to Turkey to hunt ibex. While the extremists-backed by some of the usual suspects—had been fighting the outfitters in court for months to end hunting, I never thought it would

happen while we were in the air. Such confidence comes from living in America where the NRA has our backs.

Imagine landing and learning the area we were to hunt was already closed and that all hunting would end soon. We moved to a new area and had three days to hunt before it closed too. We split up and were fortunate to both get ibex on what should have been a 10day hunt. Turkey is still closed to ibex hunting. With no NRA, outfitters are on their own.

Lucky for us, we have the NRA, though it is more than luck because the NRA is made up of millions of impassioned defenders like us, defending firearms pursuits across the board. Of course, the NRA knows how to rally its troops and communicate with us by putting a key benefit of NRA membership in our hands every month: our monthly NRA magazine. With four NRA official journals in the mix, I'm excited to share that two of them have big anniversaries in 2023. Read by millions, American Rifleman-the NRA's Flagship and world's largest firearms authority-is celebrating its centennial. And American Hunterthe largest all-hunting publication worldwide with 1 million-plus readers—is turning 50. There is something for everyone each month as hardcore hunters and shooters appreciate the how-to tips and techniques and destination-andadventure stories that transport us into the great outdoors.

Last month's NRA Annual Meetings proved that NRA synergy is at its peak when we NRA women gather to celebrate freedom all under one roof. With our support, as America's oldest civil rights organization, our NRA wields its firepower to protect freedom's future while creating opportunities for us all to embrace the benefits of firearms ownership, hunting and the shooting sports and to be a voice for wildlife conservation and our cherished outdoor traditions all in freedom's name.

Reprinted from the NRA website.

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Roslyn Rifle & Revolver Club 1130 Broadway, Westbury, NY 11590 Indoor Pistol NRA Conv. Pistol Intnl. Pistol Sectional M. Gorman (917) 929-8717

Saranac Lake Fish & Game Club PO Box 588 Saranac Lake, NY 12983 (518) 891-2560

Saugerties Fish & Game Club 168 Fish Creek Road, Saugerties, NY Trap Thurs. & Sun. (open to public) D. Zeeh (845) 481-4465

**Shortsville Rod & Gun Club** Shortsville, NY 14548

Southampton Pistol & Rifle Club 919 Majors Path Southampton, NY 11968

#### Sportsmen's Club of Clifton Park

CMP Matches, Trap, Steel Shoots, Instruction scoep.org CMP David Friedman (518) 248-9480 Trap John Donahue (518) 235-5582 Steel Frank Hill (518) 406-8844 One-on-One firearm instruction Saratoga Unrestricted Permit Course Saratoga, Schenectady, Albany Basic Pistol Permit Instructor@scoep.org

Springville Field & Stream PO Box 106 8900 Chaise Road Springville, NY 14141 Springvillfs@gmail.com

Square Deal Sportsmen Inc. Maine, NY USPSA/IPSC C. Brinser (607) 748-2771 Highpower/CMP D. Canfield (607) 625-7571 Dcanfield@xcapfg.com Stay Frosty Defensive Tactics Youth & Firearms Safety Education & Training PO Box 336 Freeport, NY 11520 www.fosterstayfrosty.com stayfrostydeftac@gmail.com @stay\_frosty\_defensive\_tactics T.E. Foster (718) 810-0356

Stephentown Valley Rod & Gun Club PO Box 545 Averill Park, NY (518) 766-5350

**Stuyvesant Rod & Gun Club** 6469 Dry Harbor Road Middle Village, NY 11379

Sunrise Fish & Game Assoc. Inc. 93 Bayview Ave. Massapequa, NY 11758 (516) 658-4057

**Taconic Valley Rod & Gun Club** 420 Dater Hill Road, Troy, NY www.tvrgc.com

### Ten X Shooting Club Inc.

Lancaster, NY Smallbore, High Power, Sporterifle, Pistol, Air Rifle, Women and Jr. Activities Tenxshootingclub.com

Tioga Co. Sportsmen Owego, NY NRA/CMP J. LaClair (607) 748-2369 Sporterifle R. Colling (607) 699-9061 Ruger Rimfire B. Waite (215) 688-0614 CMP Rimfire sporter Conventional Pistol B. Aube (607) 754-6182 IDPA B. Vernola (607) 754-0740 Trap ranges L. Howe (607) 659-5069 Skeet D. Mider (607) 642-8419 5 Stand K. Gee (607) 237-6786 Cowboy Action B. Compton (607) 659-4770 Silhouette M. Porter (607) 687-2472

#### Tonawandas Sportsmen's Club Inc. 5657 Killian Road North Tonawanda, NY 14120 (716) 692-2161 admin@tonsportsclub.com

#### Trenton Fish & Game

CMP Matches Bullseye Rimfire/ Center fire B. Kapfer (315) 896-6596 Action Pistol B. Judycki (315) 732-0873 Trap L. Pawlings (315) 723-5657

Tri-State R&G Club

Port Jervis, NY High Power, Pistol, Shotgun, Smallbore (845) 551-9265 Ladies' Events M. Mann (845) 551-9265

Troy Pistol League

Troy, NY www.troypistol.com HsvictorR22@gmail.com

**Trumansburg Rifle & Pistol Club** PO Box 10 Trumansburg, NY 14886

Tupper Lake Sportsmen's Club PO Box 1005 116 Lake Simond Road Tupper Lake, NY 12986 (518) 359-9715 www.tupperlakearchers.net savagemw49@gmail.com Indoor/outdoor Archery 3-D shoots Northern Challenge fishing derby (biggest in the region)

#### Twin City Shooting Club

North Tonawanda, NY Pistol, Light Rifle, Indoor Range www.twincityshootingclub.com

Veterans of America Gun Club

51 Juniper Ave. Smithtown, NY 11787 www.voagunclub.com

#### Voorheesville Rod & Gun Club

52 Foundry Road, Voorheesville, NY (518) 765-9395 www.vrgclub.com Open daily @ noon Trap Sun. & Tues. at 1 p.m. Pistol Classes 1<sup>st</sup> Sat. & 3<sup>rd</sup> Sun. Wolfgang or Tony (518) 441-2160 Berne Range 9 a.m.-1/2 hr. before sunset rangeinfo@vrgclub.com Archery: Clubhouse grounds target points only, brdheads prohibited. Crossbows bring own bolt backstops. Call club to book parties or events. Walden Sportsmen's Club

1823 NYS Route 52 Walden, NY 12586 www.waldensportsmensclub.org Trap Sun. 9-12, year-round 3-D Archery, Women's Sporting, Action Shooting, Boy Scout Training and Hunter Education

#### Wallkill Rod & Gun Club

Clays & 5 Stand Sun., 10 a.m., year-round Wed. evenings in summer Harry (845) 219-9327 Bucky (845) 542-8571 www.wallkillrodandgun.com

Waterloo Rifle & Pistol Club

Waterloo, NY Smallbore, High Power, Sporterifle, Pistol, Women's & Jrs. waterloorpc.com

#### West Canada Creek Association

5528 State Route 28 Newport NY, 13416 Shoot Trap Wed. at 5 p.m. Robert Grose (315) 219-2365

#### Whortlekill R &G Club

Hopewell Junction, NY Indoor Pistol and Handgun Instruction G. Robinson (845) 298-3263 Shotgun J. Stern (203) 232-7896 Hunter Education P. Scarano (845) 401-6636

Wilton Rod & Gun Club Inc. 153 Edie Road

Gansevoort, NY 12831

Wolcottsville Sportsmen's Club 1525 Phelps Road Corfu, NY 14036

Woodbury Field & Stream Club Inc. PO Box 5 Central Valley, NY 10917

If your club is a member and would like to be listed, email club info to: info@nysrpa.org

The official journal of the New York State Rifle and Pistol Association

# Nancy's Corner

# Kids shooting sports are alive and well

There are many schools here in New York state that have started trap shoot/ clay target teams in the past couple of years. There are five Rensselaer County Schools and 145 schools statewide that are either already participating in trap-shoot teams or that are approved to participate in a league!

This number has grown significantly from 2016, when there were only five teams with as many as 128 athletes that participated in the events,



to Spring 2022 where there were 22 teams and 2,142 athletes who participated.

It is important for our kids to learn when to use a gun, and how to handle a gun safely. By participating in these teams, not only will they learn the responsibilities of ownership and shooting, but they will learn skills that will last a lifetime.

When you teach your children how to be appropriate and the ways to handle a firearm their risk of accidental injury plummets. Every single accidental shooting at the hands of a careless and/or uneducated individual provides fuel for the far left's argument learning how to handle a gun properly is paramount. It helps prevent both unnecessary deaths and to ensure our right to bear arms remains in place.

# Berlin MSHS Trap Team results for spring 2023

On June 10, our team traveled to the New York State Tournament in Cicero, N.Y. Berlin's team finished a respectable 38".

Of the four Rensselaer County schools: Lansingburgh placed 26'



### by Nancy Lewandusky



Berlin 38', Hoosick Falls 53, and Tamarac 54'.

Katie Crandall had the high team score of 87, which was good enough to place her in 4<sup>th</sup> position in the lady's class. There were a couple of personal best rounds like the 24s shot by Kyle Collen and Anthony Wood. Anthony also had the high score for the boys with an 82. Way to go Mountaineers.

We picked up our season awards, which were: A first-place trophy for Class 1A Conference 8 First Place Female Season Average ribbon for Katie Crandall.

Second Place Male Season Average ribbon for Nathaniel Boesse.

We are so proud of our students on this team. They always exhibit safe gun handling, good sportsmanship, and respect for their teammates and others. – Bob & June Hoffman

The included team photo is of the students who participated in the NYS Tournament in Cicero. The other photo is of Nathaniel Boesse and Katie Crandall. They are wearing the Spring 2023 awards they received for having the 2<sup>nd</sup> highest male average and the 1<sup>st</sup> highest female average for the spring 2023 season in Class 1A, Conference 8. The trophy they are holding is for our team which earned First Place, Class 1A, Conference 8 for the Spring 2023 season.

BULLET magazine

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