



### In their own words

*"I do believe the Second Amendment is a personal right. It's an historic right of the American people, and the Constitution protects that and explicitly states that. It's just as much a part of the Constitution as any of the other great rights and liberties we value."* Attorney General Jeff Sessions when responding to a question during his Senate confirmation hearings.

*"The Second amendment protects an individual's right to own firearms and may not be infringed lightly."* Supreme Court Justice Neil Gorsuch writing in an opinion in the case *United States v. Miguel Games-Perez*.

*"These measures would make it harder for, law-abiding New Mexicans to exercise their Second Amendment rights, waste scarce law enforcement resources, and do nothing to keep guns out of the hands of criminals."* Letter signed by 32 of 33 New Mexico sheriffs in opposition to background check legislation currently under consideration in the state, which would criminalize virtually every private transfer in the state.

*"Gaby Gifford's' group, the group for responsible solutions relating to gun safety, said that he comes down on the side of felons over gun safety."* House Minority Leader Nancy Pelosi talking about Supreme Court nominee Neil Gorsuch during a CNN town hall.

### Fake News

In this last election cycle there has been a lot of hype about so-called "Fake News." The call of "Fake News" has come from all quarters. So what is one to believe? Since this article is about the Second Amendment let's look at some things that have been said, all of which have been found to be hyperbole or outright lies – all with one aim – more and more gun control.

Let's start with a doozie from 1994 when there was a lot debate about the assault weapons ban. Famously Senator

Howard Metzenbaum said "(T)he assault weapons that are out there on the streets of America mowing down innocent people day in and day out. ...We have pictures of them. The pictures are not quite as ominous as the weapons themselves, but we know those are weapons that every day of the week are killing Americans across the country...designed to spray fire a hail of bullets within seconds. Each has become the weapon of choice for mass murders, drug traffickers, youth gangs. ...Right now, there are street gangs and drug kingpins with stockpiles of assault weapons." NRA's America's 1st Freedom March 2017

Lies like this were parroted by the chorus of the gun control politicians and mass media, but it worked. This was ultimately the Assault Weapons Ban under former President Bill Clinton. The Republicans in congress had enough sense to get a sunset clause in the bill which has now made the law null.

Do you remember these statements that came out from 2009-2016?

- Banning those on the no-fly list from buying guns will keep them out of the hands of terrorists
- Congress made it harder for public health experts to research gun violence
- 90 % of Mexican crime guns come from the U.S.
- 90% of Americans want "universal" background checks
- The Sandy Hook murderer used a "fully automatic weapon"
- The U.S. leads the world in gun violence
- Mass shootings don't happen in other advanced countries
- Criminals buy guns on the Internet to avoid background checks
- Criminals buy guns at gun shows to avoid background checks
- The ATF never knowingly allowed the sale of guns to Mexican straw purchasers
- The AR-15 is a "weapon of war"

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- It is easier for a teenager to buy a Glock than get his hands on a computer or even a book
- I believe in the Second Amendment

Of course all these statements were proven to be “fake news” and were uttered by the Gun Banner in Chief. NRA’S America’s 1st Freedom February 2017

The “fake news” is not limited to politicians or their supporters in the media. The American Medical Association claims murder is at epidemic proportions in America. They point to the cited 30,000 occurrences of gun violence as year as proof. What they don’t tell you are that 2/3 of those gun violence deaths were suicides. Further they ignore that annually there are between 200,000 and 400,000 deaths resulting from medical malpractice. NRA’s America’s 1st Freedom February 2017

Corporate Lawyers are also prone to having their own “fake news” to support their agenda of gun control. There is a group formed called the “Firearms Accountability Counsel Task Force.” This is union of some big corporate law firms to provide free legal services to anti-gun groups. Attorney Mike Schissel, speaking for the task force, stated that “There are state laws that literally immunize a gun seller of any liability even if that gun seller knows he’s selling a gun to a criminal.” NRA’s America’s 1st Freedom March 2017

We defenders of liberty and freedom must always be alert to what politicians and the media is telling us with regard to our cherished Second Amendment. We must be knowledgeable and informed so that when we hear “fake news” we can identify it.

### **Police Group Wants Cops to Fire Warning Shots**

One of the realities of law enforcement is that higher-level police brass are typically more interested in protecting their own power and advancing their own careers than they care at all about the realities officers face on the street. That detached and self-serving mindset is probably behind a new recommendation by the International Association of Chiefs of Police (and allegedly some other law enforcement organizations) that law enforcement officers should be allowed to fire warning shots.

“There was a lot of discussion,” says the IACP’s Terry Cunningham, describing the process that led the 11 law enforcement organizations to include warning shots in the new consensus use of force policy. Cunningham was struck by the anecdotes of situations in which warning shots saved a life — or might have, had they been allowed.

Many police trainers have come to believe that overly rigid use of force rules, however well-meant, may sometimes leave

officers with no other option than to kill someone. The new model policy is a response to those concerns. “Why not give the officers more tools?” Cunningham says. “I think it’s the right thing to do.”

Let’s look over the proposed policy, shall we? It would allow warning shots when the following conditions are met:

1. The use of deadly force is justified;
2. The warning shot will not pose a substantial risk of injury or death to the officer or others; and
3. The officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.

If the situation is so dire that deadly force of justified, then officers should probably be doing what? My training and the training of pretty much every law enforcement officer and other civilians in the United States is that if you encounter a deadly force situation, that you engage the threat with rounds fired at the center of exposed mass of the threat in order to stop the threat’s ability to harm or kill others.

This new warning shot policy recommendation suggests that officers engaged in a deadly force encounter should take the time to look beyond the threat to see if there is a safe backstop for them to fire a bullet. I do not see this being a viable tactic for patrol officers in a typical encounter that occurs with little or no warning, nor one that will do anything other than greatly increase the risk of innocent bystanders being hit when officers making a split-second decision to fire a warning shot pick a poor choice of backstop that will either fail to stop the projectile, or cause the round to ricochet. In either event, a round was launched when it was not needed to be fired.

Again, the training has long been that the only time a round should be fired is when there is an imminent deadly force threat that must be engaged with shots on target. This policy muddies the waters, creating a multi-part problem.

There are only four justifications I could see for such a policy.

1. To provide political cover for law enforcement brass, to excuse poor quality and infrequent training provided by many agencies, and the typically substandard marksmanship that results. “He didn’t miss! He fired four warning shots!”
2. Special Weapons and Tactics (SWAT) scenarios, in which officers with specialized training use either use accurately placed and carefully consider suppressive fire to keep a threat pinned down to protect innocent lives.
3. To provide political cover for law enforcement brass, to hang patrol officers out to dry and to protect their own careers in the event of a controversial shooting. “Officer Doe had the

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option of firing a warning shot in this scenario according to our policy. You can't blame me for this."

4. To provide political cover for law enforcement brass who are receiving pressure from elected officials educated by the entertainment fantasy industry that "shooting to wound" is a viable alternative, apparently completely unaware of the reality that arms and legs still have major arteries, and that a shot to the knee, thigh, elbow, bicep, or shoulder could still result in a fatal bleed-out within seconds or minutes, leaving the officer who fired the shot hung out to dry as he explains he was trying to "shoot to wound."

You'll note that three out of four of the reasons to justify warning shots are politically driven, making me wonder just who the International Association of Chiefs of Police is trying to protect.

The rules allowing police to use deadly force are clear: If an officer reasonably perceives someone to be an imminent mortal threat, the officer is allowed to shoot. Adding the possibility of warning shots to that decision-making process could confuse things.

"If a danger ipso facto is that immediate, why are we taking our eyes off the threat and firing a warning shot?" he asks. "If deadly force is justified, deadly force should probably be applied."

Indeed. Posted at 9:57 am on March 31, 2017 by Bob Owens <https://bearingarms.com/bob-o/2017/03/31/police-group-wants-cops-fire-warning-shots/>

## TN Legislature and Proposed Gun Laws - April 4, 2017

Last week, Tennesseans heard "a great disturbance in the Force" as a small group of House legislators killed three specific bills - constitutional carry, permitless open carry, and improved civil immunity. All three bills were killed in the same House subcommittee - The House Civil Justice Subcommittee - on March 29.

Andy Holt had HB0493 which is the constitutional carry legislation supported and written by TFA. According to the legislative status page on this bill, the "nays prevailed" on a voice vote which means that not a single member of the committee wanted to be recorded as voting yes on the bill. Also on this bill, it is noteworthy that the Governor's lobbyist asked to be heard at the podium to announce that the Governor opposes Constitutional Carry legislation.

Andy Holt also had HB1006 which is the improved civil immunity legislation that TFA wrote. This bill would have required law enforcement to consider whether a situation involved justifiable self-defense before arresting a civilian. That is, it would have adopted a higher level of review in a civilian self-defense case more along the lines of the type of in depth review that law enforcement receives when it shoots. According to the legislative status page on this bill, the "nays prevailed" on a voice vote which means that not a single member of the committee wanted to be recorded as voting yes on the bill.

Micah VanHuss also offered HB0040 which would have placed Tennessee in the same status as 30 other states which do not require permits or other state requirements for open carry. This bill also failed on a "voice vote." TFA Email 4 April 2017

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### THE RIGHT TO KEEP AND BEAR ARMS

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