

## IN THEIR OWN WORDS

*"The evidence is clear that allowing random people to carry guns in public endangers public safety."*

Kristen Rand, Violence Policy Center

*"We're in Memphis, you're going to need a gun."*

Homeowner who used an AK-47 to defend his home which was ransacked by criminals – for the second time in a year

*"I'm running for re-election to the U.S. Senate here in Massachusetts, and I pledge not to take a single penny from the National Rifle Association."*

Elizabeth Warren, D-Mass, despite the fact that the NRA would never consider giving a penny to the outgoing anti-gun rights activist

*"Ban assault weapons, ban high magazine cartridges. Make sure that you're closing every single purchase loophole."*

New Mexico gubernatorial candidate Michelle Lujan Grisham responding to a question about the sort of gun control legislation that she would support

*"I also support House Bill 1469, which would prohibit the sale and possession of high-capacity magazines, which turn regular firearms into fully automatic weapons."*

Illinois State Rep. Fred Crespo

## IS THE SECOND AMENDMENT EQUAL TO THE OTHER RIGHTS IN THE BILL OF RIGHTS?

We all know and understand the Second Amendment. I have written many words about the origins and history that undergird the Second Amendment. But is the Second Amendment treated with the same reverence or respect as the other Rights enshrined in the Constitution?

If an American citizen crossed over a state line, is his or her right to freedom of speech or freedom of assembly curtailed by that state? Does each and every state have laws that impact freedom of the press? Does a state have a right to establish a "state religion"? Is a citizen of one state prohibited from petitioning another state redress from some injury or complaint? Do states have their own laws about quartering soldiers in private homes? Of course not.

So then why is it okay for a concealed carry permit citizen to be in legal jeopardy as they travel from state to state? In practice, a citizen's right to keep and bear arms depends largely where one lives. States like California, Illinois, New Jersey, and New York are Constitution free zones where the state legislatures are in direct contravention to the U.S. Constitution.

The 14th Amendment reads in part: *Section 1. All persons born or naturalized in the United States, and subject to jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, not to deny to any person within its jurisdiction the equal protection of the laws.*

During the debates surrounding the passage of the 14th Amendment, both its author, John Bingham, and its principal sponsor, John Howard, regarded gun ownership as a fundamental civil right that needed national protection against inevitable local subversion. Attempts to limit fundamental rights by location, Bingham wrote, would turn the Constitution's "sublime and beautiful scripture" into a "horrid charter of wrong." "The privileges and immunities of citizens of a State are chiefly defined in the first eight amendments to the Constitution of the United States."

After two of the most recent Supreme Court's rulings on the side of Second Amendment rights were relieved. In 2008 the *D.C. v. Heller* affirmed the right to self-defense and the 2010 *McDonald v. Chicago* case affirmed that the Heller case applied to the states (not just Washington D.C.). But since these cases the Supreme Court has passed on other cases related to the Second Amendment. Frustrated by this, Justice Clarence Thomas has written *"Despite the clarity with which we described the Second Amendment's core protection for the right of self-defense, lower courts, including the ones here, have failed to protect it... Second amendment rights are no less protected by our Constitution than other rights enumerated in that document."*

One obvious next step would be for Congress to require that each state respect carry permits that have been issued by another state. This would end the dilemma carry permit holders now face where their rights guaranteed by the Constitution just because they move from one locale to another as well as treat the Second Amendment just like the 1st, 3rd, 4th, 5th and other rights in the Bill of Rights.



## ANTI-GUN RIGHTS STATE OF THE MONTH - NEW JERSEY

The new Democrat Governor, Phil Murphy, has stated that his administration "will sign every piece of gun violence prevention that (former) Governor Christie has vetoed; require all gun retailers to carry at least one smart gun once they are commercially available; raise taxes on gun purchases; and add even more obstacles to the acquisition of firearms."

Some of the news laws signed by the Governor:

*S102: reduces the maximum magazine capacity restriction from 15 to 10 rounds;*

*S. 160/A. 1181: would allow for the suspension of gun rights by health professionals;*

*S.2376/A.2758: codifies justifiable need standard for the issuance of concealed-carry permits;*

*S.2374/A.2757: requires background checks on all firearm transfers, including private sales;*

*S.2259/A.1217: creates extreme risk protection orders whereby firearms can be seized and constitutional rights suspended with no due process.*

## ANTI-GUN RIGHTS STATE HONORABLE MENTION - CALIFORNIA

A California "microstamping" law that requires new semi-  
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automatic handguns automatically imprint bullet casings with identifying information has been upheld by the 9th circuit court of appeals in a 2:1 split decision - despite the fact that the technology doesn't exist, reports ABC News.

The microstamping law - the first of its kind in the nation signed in 2007 by then-governor Arnold Schwarzenegger, took effect in 2013. It requires that brand new handguns sold in California imprint the gun's make, model and serial number in "two or more places" on each bullet casing from a spent round.

The result of the new law was Smith & Wesson, Ruger and other manufacturers opting to pull out of California.

Gun rights advocates have slammed the law, as the technology doesn't exist to stamp bullet casings in two places as the law is written, and even if it did, criminals could replace or file down the firing pin and any other mechanism to "microstamp."

The law became effective as soon as the California Department of Justice certified that the technology used to create the imprint was available. When this certification occurred in 2013, the State clarified that the certification confirmed only "the lack of any patent restrictions on the imprinting technology, not the availability of the technology itself." In layman's terms, the state was saying that nothing was stopping someone from developing the technology, so it was "available," even though it wasn't. -NRA-ILA

As a result, compliance with the law's "dual placement microstamping" requirement was both practically and legally "impossible," according to court documents from a lawsuit brought by the National Shooting Sports Foundation (NSSF) and the Sporting Arms and Ammunition Manufacturers Institute (SAAMI). In support of their claim, writes the NRA Institute for Legislative Action, the plaintiffs cited an existing provision of California law, Civil Code section 3531, which states "[t]he law never requires impossibilities."

California gun rights advocates say the law effectively bans the sale of new semi-automatic handguns in the state. And what did the 9th circuit say to that?

Too bad - as residents can still buy used handguns that don't carry the yet-to-be invented microstamping technology, as well as any guns on a pre-approved roster - thus, the inability to buy a new semiautomatic handgun that's not on the roster doesn't infringe on the 2nd Amendment right to self-defense.

Writing for the majority, Judge M. Margaret McKeown said the inability to buy particular guns did not infringe the 2nd Amendment right to self-defense in the home.

"Indeed, all of the plaintiffs admit that they are able to buy an operable handgun suitable for self-defense — just not the exact gun they want," she said.

McKeown, joined by Judge J. Clifford Wallace, also rejected the argument that the stamping technology was impossible to implement. -ABC News

Calguns foundation executive director Brandon Combs

said that the 9th circuit used a less rigorous judicial standard in order to arrive at its "policy preferences."

"Really what the 9th Circuit is saying and has said in other cases basically is as long as a person that is law abiding has access to one handgun inside of their home, then that's it," he said. "That's the extent of their right. We think that's quite wrong."

Dissenting from the majority was Judge Jay Bybee, who cited conflicting evidence over whether the microstamping technology was even technologically feasible - and that if the state adopted an impossible requirement that no gun manufacturer can satisfy, it would not help the state solve handgun crimes and would illegally restrict gun purchases.

As Breitbart's resident Second Amendment columnist AWR Hawkins detailed in 2015, Maryland canceled a similar "ballistic fingerprinting" program after 15 years and \$5 million dumped into the program resulted in no crimes solved.

The law did not call for "microstamping" like California's - rather it relied on unique metallurgical "fingerprints" left behind by a gun's firing pin. Each new gun sold in the state would need to be fired one time, and the resulting bullet casing sent to the state's police headquarters. Unfortunately, while the forensic technology to match a bullet casing with a gun exists - the computerized system designed to sort and matched images of casings never worked - so the state canceled the program.

Of course, just wait until DNA identification is implemented. Tyler Durden, [www.zerohedge.com](http://www.zerohedge.com).

#### **"7 TIPS TO PREVENT A DEADLY ENCOUNTER."**

In continuing to help make our members be their own risk managers we wanted to introduce "7 Tips to Prevent a Deadly Encounter."

1. Avoidance is the best way to stay out of harms way.
2. Think like a cop and mentally practice for deadly encounters.
3. Positioning is the key in tactics. As a concealed carrier you must think about positioning yourself in places to provide the best defensive advantage.
4. Training in Situational Awareness is more important than range time. We all have the ability to identify when something is out of place or someone does not match the surroundings. Practice people watching as you enter any situation so you can pick out potential threats.
5. Call for help if you can before and after you react.
6. Don't be the Aggressor in a Road Rage Incident.
7. Know your limitations and when to tactically retreat. You are not a doctor or an officer, so please know your limitations. Just because you have a gun does not mean that you have to continue moving forward. Always keep your eyes on them as you back away so you can see that a weapon is not being accessed.

By Stan Campbell, July 16th, 2018, CCW Safe

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### **THE RIGHT TO KEEP AND BEAR ARMS**

The Right to Keep and Bear Arms (RKBA) column is now available each month on the ORSAONLINE web site at ([www.orsaonline.org/rkba.asp](http://www.orsaonline.org/rkba.asp)). From time to time, the RKBA column will be included in the printed version which is mailed to members' homes when space permits.

Please remember that each edition of the Rangefinder is also available online at ORSAONLINE ([www.orsaonline.org/newsletters.asp](http://www.orsaonline.org/newsletters.asp)) and is normally available before the edition arrives by mail.