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CALIFORNIA FIRING LINE

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

JUDICIAL TWO-STEP

HOW SOME COURTS ARE EVADING BRUEN

SAVING RANGES
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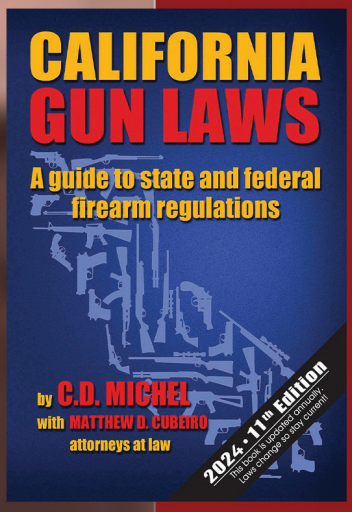

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The California Rifle & Pistol Association, Inc. (CRPA) is a nonprofit association governed by an independent Board of Directors. CRPA's mission is to promote civilian marksmanship and qualifying state championship competitions; educate the public about firearms and the right to keep and bear arms; protect the right to choose to own a gun to hunt, for sport and to defend yourself and your family; and promote the shooting sports.

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PRESIDENT'S MESSAGE

BY CHUCK MICHEL / *CRPA PRESIDENT & GENERAL COUNSEL*

FOCUSING ON THE BIGGER PICTURE

Can you believe that we are coming to the end of 2024? We still have some crazy days ahead as we look towards the 2024 election in November, but thankfully, with the poor mismanagement of California's budget and the hard work of our legislative team, we finished up the legislative session with minimal new gun control laws. The lack of new laws against law abiding gun owners is a little bit of a respite and means we can focus on bigger issues of getting pro-2A candidates into office and pushing our current cases towards completion.

ELECTION CYCLE

If you have not visited the CRPA Campaigns and Elections page yet, please make it a point to do so before casting your vote. We have 140 candidates that completed our candidate questionnaires and either received an A grade from the CRPA and/or received an endorsement from the CRPA Political Action Committee. You can see them all at https://crpa.org/programs/campaigns-elections/

These candidates are not afraid to stand up for your rights and fight at the local, state, and national levels to protect the Second Amendment. Candidates have been busy speaking with gun owners, passing Second Amendment Resolutions in their areas, and working with an eye towards what they can do in the future to support gun ownership and protect your most basic rights. We hope that you will vote

PRESIDENT'S MESSAGE

KELSEYJ/SHUTTERSTOCK.COM

early and vote for the candidates that stand for the Second Amendment.

Our CRPA YouTube Channel will be hosting another live stream event on election night to bring you up-to-date election news and commentary from across California and across the country. You can tune in here https://www.youtube.com/@CRPATV/streams and engage with gun owners from across the state. Never have we had a bigger decision in how our country will come out on the other side of this election. CRPA is a one issue association- we support the candidates that support the Second Amendments and your right to own and possess firearms for defense, sport, hunting, and hobby. Most importantly, we support those candidates that understand the Constitution says "shall not be infringed" and they stand to support this.

LEGISLATION, REGULATION, LITIGATION

The world of legislation, regulation and litigation is never slow or dull! Our legislative team works around the clock to defeat harmful legislation and pass helpful changes in legislation on behalf of our members. Even when the legislature tries to change the procedural rules, shuts down public comment, and shows complete animus towards gun owners in their attempts to pass even more gun laws, our CRPA legislative team is there to engage, educate, and hopefully hold back the tide of more laws that are being passed even though they know they are unconstitutional. This year the fates worked in our favor because of the gross mismanagement of the California state budget being $80 billion in the red and the state being forced to limit the number of new laws that could be passed. It kind of makes you wonder that is they will cut most of the anti-Second Amendment bills because of money crisis, are they really that urgent to begin with? When the state had to make a decision of legislative more gun control or paying for illegal aliens, they chose the illegals. It seems all of a sudden, gun control is not the "major health crisis" they make it out to be every year in order to appease

their base voters.

There was a big shift in the world of regulatory agencies this year when the Supreme Court struck down the long-standing Chevron Doctrine. The Chevron Doctrine was something that gave deference to administrative agencies in their rule-making ability. Basically, the courts had to show deference to the actions of the administrative agency because they know more about the regulations and how to implement the law. No more! Now the courts no longer can take for granted that the regulatory agencies are a controlling factor in reviewing whether administrative actions are lawful. This is big for challenges to regulations drafted by agencies that are outside of the scope of the legislation.

In the world of litigation, CRPA is working in tandem with other Second Amendment groups all across the country to ensure that decisions on Second Amendment cases are litigated in a way that positively impacts our California cases. Many of our cases, like challenges to ammunition, magazines, roster, and gun shows, have been going on for years. Many of our newer cases have us defending youth shooting, challenging the roster, and challenging the 11% excise tax. These cases are moving (although slowly), and we are seeing success as the cases progress. For more information on cases, please visit the CRPA litigation updates at https://crpa.org/newsoms-failing-score-legislation-passed-and-defeated/

More than anything, CRPA is committed to getting more people out there pulling triggers, educating new gun owners and hunters, working to get 2A Candidates in office, and fighting for your rights at every step along the way. As a thank you for all of your continued support over this year, we want to offer a special event that will get you the gear you need to exercise those rights. Our friends at Gun World in Burbank, Beretta, and Vortex Optics have donated prizes for this special giveaway. **Anyone who donates $50.00 or more is entered to win. Not one prize, but 5 chances to win!**

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As CRPA works to protect your rights, we hope that you will share the great importance of supporting this work. CRPA is the oldest Second Amendment organization in California and that experience is put to use every day to protect the next generation of gun owners and hold the line against those who wish to restrict our rights. Thank you for your support and good luck to all the donors- Hope you win big as CRPA hopes to see some Big Wins in 2025! **CRPA**

CHUCK

STATEMENT OF CRPA'S FINANCIAL PRACTICES

No other pro-2A association is more scrupulous about avoiding financial improprieties than CRPA and its sister, The CRPA Foundation. Donations and membership dues are closely monitored, budgeted, and reinvested into fighting for the rights of California gun owners. The CRPA has a Finance Committee that oversees bookkeeping and expenses, a fully informed Board of Directors, and accountants that scrutinize bookkeeping and expenses. CRPA also has a conflict-of-interest disclosure and review policy, a vendor fraud prevention policy, an expenses review and limitation policy and review process, and multiple other safeguards in place to make sure every donation is spent wisely and frugally. CRPA's volunteer President, Chuck Michel, is paid nothing for his many hours of work because he believes in the cause and donates all of that time. Any legal work for the CRPA or CRPA Foundation is done at significantly reduced, hourly, non-profit rates.

BY DAVID KOPEL / *COURTESY REASON.COM*

HOW SOME COURTS ARE EVADING BRUEN BY CHANGING ITS RULES

The U.S. Supreme Court in New York State Rifle & Pistol Assoc. v. Bruen instructed lower courts how to decide right to arms issues: "In keeping with Heller, we hold that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct." If so, "the government must demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation." This Post describes how some lower courts are evading Bruen by contrivances that claim particular regulations do not involve "the Second Amendment's plain text."

This Post proceeds as follows:

1. A short overview of how a preliminary step in most constitutional adjudication necessarily involves a look at the plain text of the clause in question.

2. Discussion of the plain text of the Freedom of the Press Clause, which is the Bill of Rights provision most similar to the Second Amendment, in that both involve rights regarding particular man-made tools.

3. Summary of Supreme Court glosses on the meaning of the Second Amendment, which may, at least arguably, save some arms restrictions that could not be justified under Bruen's "historical tradition" test.

4. Summary of some easy cases that held an individual's conduct was not protected by the Second Amendment's plain text.

5. Discussion of cases involving firearms businesses, some of which wrongly claimed that the plain text does not apply to firearms commerce.

6. Discussion of waiting periods, shooting range zoning, rifle bans, and serial number cases that incorrectly claimed that the activity at issue was not covered by the Second Amendment's plain text. In most of these cases, the courts conducted an alternative analysis that upheld the challenged law under the historical tradition test, so the erroneous rulings about plain text might be considered harmless error. This Post does not examine the quality of reasoning of any court's application of the historical tradition test.

7. Finally, the Post discusses a pair of cases where judicial error about plain text clearly changed the result. When deciding challenges to prohibitory laws about switchblade knives, the Massachusetts Supreme Judicial Court and the U.S. District Court for the Southern District of California both agreed that the government failed to meet its burden to justify the statutes

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based on historical tradition. The Massachusetts court therefore held the law unconstitutional, because carrying a switchblade knife is conduct protected by the plain text of the Second Amendment. The California court, however, claimed that even the mere keeping of a switchblade knife in one's home does not involve the plain text of the Second Amendment.

1. CONSIDERATION OF PLAIN TEXT IS USUALLY NECESSARY IN CONSTITUTIONAL CASES

In the Second Amendment, as in most constitutional law cases, a court must first read the plain text to determine if a constitutional provision is relevant. For example, the Eighth Amendment states, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Suppose a President knowingly made libelous statements about an individual, and a result, other individuals who were deceived by the President's words stopped doing business with the individual. If the individual sued the President for violation of the Eighth Amendment, courts would dismiss the claim because the President's words did not set any bail condition, nor impose any fine or punishment.

Similarly, if the U.S. Air Force maliciously dropped a bomb on an American's house, killing everyone inside and destroying the building, the victims' families might assert a variety of constitutional claims, but if their pleading included a Third Amendment claim, that claim would be dismissed. The Amendment states: "No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law." The government's misconduct did not involve the occupation of any home.

THE CALIFORNIA COURT, HOWEVER, CLAIMED THAT EVEN THE MERE KEEPING OF A SWITCHBLADE KNIFE IN ONE'S HOME DOES NOT INVOLVE THE PLAIN TEXT OF THE SECOND AMENDMENT.

Under the common law doctrine of principals and incidents, a constitutional right or power—like any other contract term, unless there are express reservations—includes lesser, "incidental" powers and rights that are necessary to effectuate the principal power or right. See, e.g., 2 William Blackstone, Commentaries on the Laws of England *347 (1765-69) ("A subject's grant shall be construed to include many things, besides what are expressed, if necessary for the operation of the grant."). Regarding enumerated congressional powers, the Necessary and Proper Clause makes the point explicitly. See, e.g., McCulloch v. Maryland, 17 U.S. 316, 406, 411-16 (1819) ("there is no phrase in the instrument [the Constitution] which, like the Articles of Confederation, excludes incidental or implied powers and which requires that everything granted shall be expressly and minutely described.").

Similarly, the Sixth Amendment principal "right to have the assistance of counsel for his defence" includes incidental rights such as the counsel having adequate time to prepare a defense, and being able to confer privately with the defendant. The plain text of the Sixth Amendment does not resolve every constitutional question—such as under what conditions the right to counsel may be waived, or whether there should be special rules for waiver by juveniles – but the plain text does tell us that waiver of counsel is a Sixth Amendment issue.

In Luis v. United States, a four-Justice plurality held that governmental pretrial seizure of a defendant's untainted assets violated his Sixth Amendment right to pay for an attorney. 136 S.Ct. 1083 (2016). While the plurality used a balancing test, Justice Thomas's concurrence focused on plain text, and the doctrine of principals and incidents:

The law has long recognized that the "[a]uthorization of an act also authorizes a necessary predicate act." A. Scalia & B. Garner, Reading Law: The Interpretation of Legal Texts 192 (2012) (discussing the "predicate-act canon"). As Thomas Cooley put it with respect to Government powers, "where a general power

is conferred or duty enjoined, every particular power necessary for the exercise of the one, or the performance of the other, is also conferred." Constitutional Limitations 63 (1868); see 1 J. Kent, Commentaries on American Law 464 (13th ed. 1884) ("[W]henever a power is given by a statute, everything necessary to the making of it effectual or requisite to attain the end is implied"). This logic equally applies to individual rights. After all, many rights are powers reserved to the People rather than delegated to the Government. Cf. U.S. Const., Amdt. 10 ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people").

Constitutional rights thus implicitly protect those closely related acts necessary to their exercise. "There comes a point … at which the regulation of action intimately and unavoidably connected with [a right] is a regulation of [the right] itself." Hill v. Colorado, 530 U.S. 703, 745 (2000) (Scalia, J., dissenting). The right to keep and bear arms, for example, "implies a corresponding right to obtain the bullets necessary to use them," Jackson v. City and County of San Francisco, 746 F.3d 953, 967 (C.A.9 2014) (internal quotation marks omitted), and "to acquire and maintain proficiency in their use," Ezell v. Chicago, 651 F.3d 684, 704 (C.A.7 2011). See District of Columbia v. Heller, 554 U.S. 570, 617–618 (2008) (citing T. Cooley, General Principles of Constitutional Law 271 (2d ed. 1891) (discussing the implicit right to train with weapons)); United States v. Miller, 307 U.S. 174, 180 (1939) (citing 1 H. Osgood, The American Colonies in the 17th Century 499 (1904) (discussing the implicit right to possess ammunition)); Andrews v. State, 50 Tenn. 165, 178 (1871) (discussing both rights). Without protection for these closely related rights, the Second Amendment would be toothless. Likewise, the First Amendment "right to speak would be largely ineffective if it did not include the right to engage in financial transactions that are the incidents of its exercise." McConnell v. Federal Election Comm'n, 540 U.S. 93, 252 (2003) (Scalia, J., concurring in part, concurring in judgment in part, and dissenting in part).

Id. at 1097-98.

Constitutional text is not meant to be read in such a hyperliteral manner as to effectuate a nullification of the right. The "right to keep and bear Arms" is, most literally, a right to possess and carry. The literal text does not mention a right to use arms (such as by shooting a firearm or bow, or cutting with a knife). Not does the right to "keep and bear Arms" expressly mention ammunition, such as cartridges for firearms or arrows for bows. Yet any reasonable reading of the "plain text" of the Second Amendment includes the right to keep and carry ammunition and to shoot that ammunition.

2. THE FREEDOM OF THE PRESS CLAUSE

To consider what is meant by the "plain text" of the Second Amendment, consider the Amendment's close relative, the First Amendment "freedom . . . of the press."

To the modern sensibilities, the historical connection between arms and the press may seem odd. But, to the Framing generation, the connection would have been commonsensical. The right to bear arms and the freedom of the press presented the exact same type of question for the Framers: can there ever be a natural right to a man-made device? In the case of arms and presses, the Framers believed so.

Edward Lee, Guns and Speech Technologies: How the Right to Bear Arms Affects Copyright Regulations of Speech Technologies, 17 Wm. & Mary Bill Rts. J. 1037, 1048-49 (2009).

First, we see by context that the constitutional text only includes some of the possible meanings of "press" or "arms." The First Amendment is about presses that affix communications to a medium, not about wine presses. The Second Amendment is about weapons and armor (both which were considered "arms" in dictionaries of the time), and not about the sides of chairs or sofas.

A judge who was hostile to existence of nongovernment newspapers might claim that the First Amendment "plain text" includes solely the right to own a printing press without being punished by the government.

However, the more plausible reading of the plain text would include, besides the right to own a printing press: the right to acquire, manufacture, or repair a printing press; the right to do the same for all materials used in the operation of a press, such as printer's ink and blank sheets of paper; the right to receive or conduct education and training in the operation of a press; and the right to improve a press by adding accessories or accoutrements that help the press operate better, such as printing plates, powder shakers, dryers, covers (to keep dust out), paper cutters, upgraded powder brakes or gear shafts, cleaning tools, and chemical paper coatings.

The plain text protects the old-fashioned Franklin Press, modern newspaper printing presses, and computer printers, whether dot matrix or laser.

The plain text of "the freedom . . . of the press" also includes the right to use a press for any purpose one chooses, subject to exceptions "consistent with this Nation's historical tradition" of press regulation, such as libel or obscenity.

All of the above is easily transposable to the plain text of the Second Amendment, and many lower courts, adhering to Bruen and its predecessors Heller and McDonald have done so. Having made the easy determination that "the Second Amendment's plain text covers an individual's conduct," these courts then proceed to the Bruen original understanding inquiry, wherein the government may attempt to "demonstrate that the regulation is consistent with this Nation's historical tradition of firearm regulation."

Because Bruen allows novel forms of arms regulation to be upheld based on analogy to older ones, judges sometimes reach different results, based on how carefully they believe analogies must be drawn. This Post does not address arguments about whether the analogies were correct in any given case; rather, I will describe how courts have differed on the preliminary "plain text" question.

3. SUPREME COURT AUTHORIZATION OF OTHER ARMS CONTROLS

But first, it must be noted that the Supreme Court's Second Amendment decisions have not only declared a standard methodology; the decisions have also announced what many courts consider to be rules that trump the need for analysis under plain text as elucidated by historical tradition. Starting with those from Heller:

"[T]he Second Amendment does not protect those weapons not typically possessed by law-abiding citizens for lawful purposes, such as short-barreled shotguns." District of Columbia v. Heller, 554 U.S. 570, 625 (2008).

"Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." Id. at 626-27. [This was repeated by the majority opinion in McDonald. In Bruen, the Chief Justice and Justice Kavanaugh joined the majority opinion in full, and also authored a concurrence that repeated this sentence.]

"We also recognize another important limitation on the right to keep and carry arms. Miller said, as we have explained, that the sorts of weapons protected were those 'in common use at the time.' 307 U.S. at 179. We think that limitation is fairly supported by the historical tradition of prohibiting the carrying of 'dangerous and unusual weapons.'" Id. at 627.

"Justice BREYER chides us for leaving so many applications of the right to keep and bear arms in doubt, and for not providing extensive historical justification for those regulations of the right that we describe as permissible. But since this case represents this Court's first in-depth examination of the Second Amendment, one

WITHOUT PROTECTION FOR THESE CLOSELY RELATED RIGHTS, THE SECOND AMENDMENT WOULD BE TOOTHLESS.

should not expect it to clarify the entire field, any more than Reynolds v. United States, 98 U.S. 145 (1879), our first in-depth Free Exercise Clause case, left that area in a state of utter certainty. And there will be time enough to expound upon the historical justifications for the exceptions we have mentioned if and when those exceptions come before us." Id. at 635.

McDonald:

"our central holding in Heller : that the Second Amendment protects a personal right to keep and bear arms for lawful purposes, most notably for self-defense within the home." McDonald v. City of Chicago, 561 U.S. 742, 780 (2010).

And from Bruen:

"To be clear, nothing in our analysis should be interpreted to suggest the unconstitutionality of the 43 States' 'shall-issue' licensing regimes, under which 'a general desire for self-defense is sufficient to obtain a [permit].' Because these licensing regimes do not require applicants to show an atypical need for armed self-defense, they do not necessarily prevent 'law-abiding, responsible citizens' from exercising their Second Amendment right to public carry. Rather, it appears that these shall-issue regimes, which often require applicants to undergo a background check or pass a firearms safety course, are designed to ensure only that those bearing arms in the jurisdiction are, in fact, 'law-abiding, responsible citizens.' And they likewise appear to contain only 'narrow, objective, and definite standards' guiding licensing officials, rather than requiring the 'appraisal of facts, the exercise of judgment, and the formation of an opinion,'—features that typify proper-cause standards like New York's. That said, because any permitting scheme can be put toward abusive ends, we do not rule out constitutional challenges to shall-issue regimes where, for example, lengthy wait times in processing license applications or exorbitant fees deny ordinary citizens their right to public carry." New York State Rifle & Pistol Assoc. v. Bruen, 142 S.Ct. 2111, 2138 n.9 (2022) (citations omitted).

Most of the language above is arguably dicta, but every Circuit Court of Appeals agrees that recent Supreme Court dicta is nearly as binding as a Supreme Court holding. David B. Kopel & Joseph G.S. Greenlee, The Federal Circuits' Second Amendment Doctrines, 61 St.L. U.L.J. 193, 199 (2017). The dicta mesh uneasily with the Supreme Court's mostly-originalist methodology in its right to arms cases, because at least some the approved laws – such as felon bans and shall issue licensing for concealed carry – come from the twentieth century.

Lower courts have struggled with the question of whether or not the dicta create self-standing rules that are immune from ordinary originalist analysis pursuant to Bruen. See, for example, the conflict in Maryland Shall Issue v. Moore, in which a Fourth Circuit en banc majority upholds Maryland's Handgun Qualification License state, which creates a second level of licensing to acquire a handgun to keep at home. The majority said that Bruen's approval of objective licensing for handgun carry was sufficient to support the home licensing law, while the dissent disagreed. 2024 WL 3908548 (4th Cir. Aug. 23, 2024).

For purposes of this Post, assume arguendo that the maximalist position articulated by the anti-gun lobbies is correct, and all the arms controls quoted above are presumptively constitutional. So I will not criticize any judicial opinion that upholds a particular law because the arm in question is "dangerous and unusual," or because it applies to allegedly "sensitive places," or imposes "conditions and qualifications on the commercial sale of arms," or creates an objective and expeditious licensing system with an affordable fee.

4. SOME EASY CASES ON PLAIN TEXT

The most obvious cases in which the plain text inquiry precludes a successful Second Amendment claim are for use of a firearm in a violent crime, such as armed robbery. The "right to keep and bear arms" does not include a right to use a handgun to rob a liquor store, just as "the freedom . . . of the press" does not include a right to use a printing press to print bank maps for a particular gang of bank robbers.

IT WAS UPHELD UNDER THE THEORY THAT CONVICTED FELONS HAVE NO ARMS RIGHTS, AND UNDER PRE-BRUEN CIRCUIT PRECEDENT THAT THE SECOND AMENDMENT DOES NOT INCLUDE THE RIGHT TO SELL ARMS.

The Second Amendment protects "the right of the people." Before the Supreme Court's recent Rahimi decision, some lower courts, quoting the Supreme Court's Heller and Bruen language about "law-abiding, responsible citizens" held that "the people" meant only the law-abiding, responsible ones. This view was rejected by all nine Justices in United States v. Rahimi, 144 S.Ct. 1889 (2024). Rahimi was an American citizen, but was neither law-abiding nor responsible. The Court held that he is nevertheless one of "the people," and so his possession of firearms was conduct covered by the plain text of the Second Amendment. The Court then conducted the historical tradition inquiry, and by 8-1 found sufficient analogical support for the federal statute banning firearms possession by persons under domestic violence restraining orders, based on an individualized judicial determination that the person is a violent threat. 18 U.S.C. §922(g)(8)(C)(i).

A simple "plain text" application of "the right of the people" was Fifth Circuit's recent United States v. Medina-Cantu, No. 23-40336 (5th Cir. Aug. 27, 2024). The three-judge panel per curiam decision held that Bruen and Rahimi did not "unequivocally abrogate" prior circuit precedent that the federal ban on firearms possession by illegal aliens is constitutional; the precedent had been decided under the Fifth Circuit's pre-Bruen balancing test, a test that Bruen did unequivocally abrogate. Even so, Rahimi and Bruen did not abrogate the Fifth Circuit's prior rationale that illegal aliens are not "members of the political community," and therefore have no Second Amendment rights. A concurrence by Judge Ho put the matter a little more directly. Illegal aliens are not part of "the people."

5. BUSINESS AND COMMERCE REGULATIONS

Knowingly making false statements or using false identification to deceive a licensed firearms retailer ("FFL"—Federal Firearms Licensee) with respect to any fact material to the lawfulness of the sale is a federal felony. 18 U.S.C. §922(a)(6). This was upheld as not involving conduct protected by the plain text of the Second Amendment, based on circuit precedent, and on a post-Heller Supreme Court case interpreting and applying the statute. United States v. Soto, 2023 WL 1087886 (W.D. Tex. Jan. 27, 2023) (citing Abramski v. United States, 573 U.S. 169 (2014)).

Similarly, 18 U.S.C. §924(a)(1)(A) forbids knowingly making false statements or representations regarding firearms records. It was upheld under the theory that convicted felons have no arms rights, and under pre-Bruen circuit precedent that the Second Amendment does not include the right to sell arms. In the alternative, historical tradition supported regulation on "the commercial sale" of firearms, and the tradition could be analogized to individual sales. United States v. Porter, 2023 WL 113739 (S.D. W.Va. Jan. 5, 2023).

Likewise in another case: "the violations involve false statements to acquire firearms, the repeated transfer of firearms without a license, and proceeds derived from those activities."

Mr. Gonzalez has put forth no arguments to demonstrate how any of the charged counts regulate or restrict conduct protected by the Second Amendment—namely the Defendant's ability to possess firearms for self-defense. Rather, the violations involve false statements to acquire firearms, the repeated transfer of firearms without a license, and proceeds derived from those activities. These types of regulations do not in any way limit Mr. Gonzales' ability to defensively arm himself. And without this initial showing, Bruen's historical analysis is unnecessary and unwarranted.

United States v. Gonzalez, 2022 WL 17583769 (D. Utah Dec. 12, 2022). In essence, the court was saying that the federally-required paperwork to purchase a firearm (which can be filled out at the gun store), and the paperwork, fee, and processing time to acquire a license to engage in the

business of selling firearms, have nothing to do with the Second Amendment because they do not affect the defendant's ability "to defensively arm himself." This is incorrect for multiple reasons.

First, the Second Amendment right is not limited only to self-defense, although in this case the result would not be changed by consideration of other Second Amendment activities, such as collective defense, hunting, target shooting, or collecting.

Second, the paperwork burden of filling out forms a gun store might be considered de minimis, but the court engaged in no analysis of the question, and did not cite precedent for the principle of de minimis exceptions to constitutional rights.

Third, the statute requiring a license to engage in the business of repeatedly selling firearms for profit certainly implicates the Second Amendment, even if that statute can be upheld.

Other cases upholding 18 U.S.C. §922(a)(1)(A), which prohibits dealing in firearms without a Federal Firearms License, reached the correct result, but made serious errors along the way. All of the criminal defendants were plainly engaged in dealing firearms as defined by federal law (repetitive transactions for profit). Courts have upheld the statute, as they should, based on Heller's statement about the presumptive constitutionality of "conditions and qualifications on the commercial sale of firearms."

However, some courts went further, and opined that firearms dealers and business have no Second Amendment rights. See United States v. King, 646 F. Supp. 3d 603 (E.D. Pa. 2022) ("the Second Amendment does not protect the commercial dealing of firearms"); United States v. Tilotta, 2022 WL 3924282 (S.D. Cal. Aug. 30, 2022 (The Second Amendment does not apply to the "buying, selling, storing, shipping, or otherwise engaging in the business of firearms."); United States v. Flores, 652 F. Supp. 3d 796 (S.D. Tex. 2023) (agreeing with Ninth Circuit's pre-Bruen en banc Texiera decision that firearms stores have no Second Amendment rights, even though customers do). See also Gazzola v. Hochul, 645 F. Supp. 3d 37 (N.D.N.Y. 2022) (Second Amendment does not apply to corporations, but plaintiff retailers have derivative standing to assert the Second Amendment rights of their customers).

The claims above are questionable. If firearms businesses have no Second Amendment rights, then neither do First Amendment businesses such as printing press manufacturers or bookstores. The Supreme Court has long allowed bookstores to bring First Amendment cases, without need to assert the third-party rights of their customers. However, since Heller, lower courts have split about whether firearms businesses have Second Amendment rights. See Kopel, Does the Second Amendment Protect Firearms Commerce? 127 Harvard L. Rev. Forum 230 (2014).

It is true that people can manufacture their own firearms or print their own books at home, but for most people, the existence of commercial businesses is necessary to effectuate the right. Textually, the Second Amendment right belongs to "the people," just as does the Fourth Amendment right, and businesses certainly have Fourth Amendment rights. Marshall v. Barlow's Inc., 436 U.S. 307 (1978) (requiring warrant for inspections of a corporation's premises).

The general rule for whether persons who organize in a corporate form have constitutional rights is that it depends on the nature of the right. Most constitutional rights do apply to businesses, because businesses by their nature can exercise these rights. For example:

Free Speech Clause. First Nat'l Bank v. Bellotti, 435 U.S. 765, 777 (1978) ("The inherent worth of the speech in terms of its capacity for informing the public does not depend upon the identity of its source, whether corporation, association, union, or individual.")

Contracts Clause. Dartmouth College v. Woodward. 17 U.S. (4 Wheat.) 518, 646 (1819) ("The framers of the constitution did not deem them unworthy of its care and protection.").

Equal Protection Clause. Santa Clara Cty. v. S. Pac. R.R. Co., 118 U.S. 394, 396 (1886) (the Court "does not wish to hear argument

on the question whether" the Equal Protection Clause "applies to these corporations. We are all of the opinion that it does.").

Sixth Amendment right to criminal jury trial. Armour Packing Co. v. United States, 209 U.S. 56, 73 (1908) (corporation's right not violated by trial being in the district where the offense allegedly occurred, instead of in the district where the corporate headquarters was located).

Seventh Amendment right to civil jury trial Ross v. Bernard, 396 U.S. 531, 532–33

(1970) ("[T]he right to a jury trial attaches to those issues in derivative actions to which the corporation, if it had been suing in its own right, would have been entitled to a jury.").

But it is impossible for a corporation to invoke the Fifth Amendment Self-Incrimination Clause, which "operates only where a witness is asked to incriminate himself—in other words, to give testimony which may possibly expose him to a criminal charge." Hale v. Henkel, 201 U.S. 43, 67 (1906). Because the Clause "is limited to a person who shall be compelled in any criminal case to be a witness against himself; and if he cannot set up the privilege of a third person, he certainly cannot set up the privilege of a corporation." Id. at 70. The Fifth Amendment text leads to the same result for labor unions. See United States v. White, 322 U.S. 694 (1944).

As for the Second Amendment, a recent article explains that "purpose analysis, which entails judicial examination of the purpose behind particular constitutional provisions to determine their boundaries,

THE SUPREME COURT HAS LONG ALLOWED BOOKSTORES TO BRING FIRST AMENDMENT CASES, WITHOUT NEED TO ASSERT THE THIRD-PARTY RIGHTS OF THEIR CUSTOMERS.

dictates that corporations should have Second Amendment rights. Indeed, corporations' interests in these rights are rooted in and further the key purposes of the Second Amendment: self-defense, protection of third parties, and defense of property." Robert E. Wagner, The Corporate Right to Bear Arms, 15 Wm. & Mary Bus. L. Rev. 369 (2024). See also Kopel & Adam Winkler, Planned Parenthood's Right to Bear Arms, Real Clear Policy, Dec. 3, 2015.

6. SOME IMPLAUSIBLE CLAIMS ABOUT "PLAIN TEXT"

Below are some post-Bruen decisions that wrongly held that plaintiffs' claims do not even implicate the plain text of the Second Amendment.

6.A. Waiting periods

The U.S. District Court of New Mexico upheld a waiting period to acquire a firearm, because purchasing a firearm is not covered by the plain text of the Second Amendment. Ortega v. Grisham, 2024 WL 3495314 (D.N.M. July 22, 2024).

The U.S. District Court for Colorado did the same. Rocky Mountain Gun Owners v. Polis, 701 F.Supp.3d 1121 (D. Colo. 2023). To the credit of the judges who authored the above two opinions, the opinions also presented, arguendo, alternative analysis claiming that waiting period could be upheld by analogies to historical tradition. (As noted above, this Post does not discuss whether particular arguments about historical tradition are persuasive or not.)

6.B. Shooting ranges

In a case challenging a municipal zoning law revision to prevent operation of a shooting range, the majority of the Pennsylvania Supreme Court held that the plain text of the Second Amendment was implicated, but that the restriction could be justified by analogy to historical tradition. Barris v. Stroud Township, 310 A.3d 175 (Pa. 2024). The dissent argued that the majority had been too loose in its acceptance of scattered laws about firearms discharge and shooting galleries. Of most concern, for purposes of this Post, is a concurring and dissenting opinion that claimed the Second Amendment was not implicated at all.

Another case involved a municipal zoning change to thwart a public outdoor shooting range with a 1,000 yard bay. Oakland Tactical Supply, LLC v. Howell Twp., Michigan, 103 F.4th 1186, 1197 (6th Cir. 2024). A three-judge panel of the Sixth Circuit unanimously agreed that

shooting ranges are covered by the plain text of the Second Amendment. But according to the 2-1 majority, the plain text did not cover shooting at 1,000 yards; plaintiffs "make no convincing argument that the right extends to training in a particular location or at the extremely long distances Oakland Tactical seeks to provide." Further:

It is difficult to imagine a situation where accurately firing from 1,000 yards would be necessary to defend oneself; nor have Plaintiffs identified one. To the extent that historical evidence is probative of the scope of a right derived by necessary implication, like the right to train, the historical evidence Plaintiffs present – a handful of examples of rifleman making shots from 600 to 900 yards during the Revolutionary War – is not convincing. Assuming these examples show that the Founding-era public understood military proficiency to include accuracy at these long distances, they do not establish that the Second Amendment right – which is unconnected to "participation in a structured military organization," Heller, 554 U.S. at 584 – was similarly understood. And beyond this historical evidence, Plaintiffs make no real argument that long-distance training is necessary for the effective exercise of the right to keep and bear arms for self-defense, other than briefly noting that the federally chartered Civilian Marksmanship Program offers 1,000-yard training. We cannot conclude, based on these arguments, that the plain text of the Second Amendment covers the second formulation of Plaintiffs' proposed

course of conduct–the right to commercially available sites to train to achieve proficiency in long-range shooting at distances up to 1,000 yards.

Id. at 1198-99. The dissent would have remanded for consideration of two undeveloped issues: "first, whether training for purposes of confrontation or self-defense is limited to target shooting at certain distances (which, as discussed above, the plaintiffs have not adequately briefed); and second, whether the Township's restrictions on the plaintiffs' proposed conduct is consistent with the Nation's historical traditions of firearm regulation (which the Township thus far has not briefed at all)." Id. at 1204 (Kethledge, J., dissenting).

The majority's holding that the "plain text" of the Second Amendment somehow applies to shooting at close distances but not at a thousand yards was erroneous. First, the Supreme Court has never said that Second Amendment right is solely limited to self-defense, even though the Court has called self-defense a "core" purpose of the right.

It is true, as the Sixth Circuit noted, that the Second Amendment "right of the people," is not limited solely to "participation in a structured military organization," such as the militia. Nevertheless, the "plain text" of the Second Amendment includes "A well-regulated Militia, being necessary to the security of a free State, . . ." Heller explained that the leading American constitutional writer of the latter 19th century, Michigan Supreme Court Justice Thomas "Cooley understood the right not as connected to militia service, but as securing the militia by ensuring a populace familiar with arms . . ." Heller at 617. Justice Scalia's majority opinion then quoted with approval from one of Cooley's treatises:

[A] militia would be useless unless the citizens were enabled to exercise themselves in the use of warlike weapons. To preserve this privilege, and to secure to the people the ability to oppose themselves in military force against the usurpations of government, as well as against enemies from without, that government is forbidden by any law or proceeding to invade or destroy the right to keep and bear arms.

Congress created the Civilian Marksmanship Program (CMP) in 1903, to promote civilian familiarity and proficiency with precisely the types of arms that would helpful to national defense. As the Oakland Tactical majority admits, "the federally chartered Civilian Marksmanship Program offers 1,000-yard training." Given that the CMP believes 1,000 yard training is important for collective defense, and that "the plain text" of the Second Amendment includes the militia, the majority

opinion's claim that "the plain text" disappears at some distance shorter than 1,000 yards was insupportable.

6.C. Bans on common rifles

Last month, a 10-5 majority of the Fourth Circuit allowed prohibition of the most common rifles in American history. Bianchi v. Brown, 111 F.4th 438 (4th Cir. Aug. 6, 2024) (en banc). The majority opinion states: "We hold that the covered firearms are not within the scope of the constitutional right to keep and bear arms for self-defense . . ."

Like the Sixth Circuit's Oakland Tactical case, the Fourth Circuit Bianchi majority incorrectly claims that the "plain text" of the Second Amendment limits the right to arms solely to personal defense. The "plain text" argument then explains that AR rifles are more powerful than handguns – which is true for all types of rifles above the puny .22LR caliber. The opinion asserts that AR rifles are so incredibly powerful and dangerous that the rifles could not possibly have self-defense utility. Many of the supposed facts supporting the assertion come from district court opinions in which the lawyers for plaintiffs relied exclusively on the "common use" doctrine from Heller, and pointedly refused to contest any of the ridiculous assertions about AR rifles made by the government defendants. (For discussion of some of these assertions, see my Posts AR rifle ammunition is less powerful than most other rifle ammunition: Bullet speed matters, but so does bullet weight, Reason/Volokh Conspiracy, Apr. 11, 2023; How powerful are AR rifles? About the same as other rifles, Reason/Volokh Conspiracy, Feb. 27, 2023).

As pointed out in the Bianchi dissent, the Fourth Circuit majority ignored Heller's statement about how the right contributes to collective defense.

To the Bianchi majority's credit, the opinion also included an alternative argument attempting to justify the ban based on historical tradition.

6.D. Serial numbers

Federal law prohibits possession of a firearm with a defaced or obliterated serial number. 18 U.S.C. §922(k). In an opinion released the same day as Bianchi, the Fourth Circuit upheld the federal ban on possession of a firearm with a defaced or obliterated serial number. United States v. Price, 111 F.4th 392 (4th Cir. 2024) (en banc). According to the majority, "the conduct regulated by § 922(k) does not fall within the scope of the right enshrined in the Second Amendment because a firearm with a removed, obliterated, or altered serial number is not a weapon in common use for lawful purposes."

The Price majority came closer to adhering to the plain text, because the majority recognized that the right applies to all "lawful purposes," not solely personal self-defense. Likewise, the Price majority adhered to the Heller gloss, which protects arms "in common use for lawful purposes."

However, the majority's support for its conclusion that firearms with defaced serial numbers are not in common use for lawful purposes was thin. First, the majority couldn't think of any good reason why a peaceable person would remove a serial number. (One dissent pointed out that some persons just don't want to be tracked by Big Brother.) Second, the majority cited an ATF report that only 3% of traced firearms have defaced or obliterated serial numbers; from this fact the majority inferred that if criminal use of such firearms is not common, then use by noncriminal citizens must also be rare. (Another dissent pointed out the weakness of this reasoning.)

A concurring opinion said that the majority had over-complicated the case. Price was a convicted felon, and so his Second Amendment rights had been extinguished. (Unlike in some other cases, defendant Price had made no argument for an as-applied exception to the federal ban on firearms possession by persons convicted of a crime punishable by more than a year in prison; he did not argue that his conviction was long ago, nonviolent, and he had led a respectable life ever since.)

THE OPINION ASSERTS THAT AR RIFLES ARE SO INCREDIBLY POWERFUL AND DANGEROUS THAT THE RIFLES COULD NOT POSSIBLY HAVE SELF-DEFENSE UTILITY.

One concurrence chided the majority for its claim that there was no Second Amendment issue in the case; the concurrence would have upheld the statute based on analogy from historical tradition. The majority "treats . . . historical analysis as a component of the first step, despite Bruen and Rahimi's clear statements that historical analysis falls in step two."

As one dissent observed: the Court in Rahimi explicitly stated that the government bears the burden to justify its law any time it "regulates arms-bearing conduct," Rahimi, 144 S. Ct. at 1897. In other words, the burden flips to the government – and we transition to Bruen's second step – as soon as the challenger establishes that the regulation covers "arms-bearing conduct." And notably, the Court didn't limit "arms-bearing conduct" to "conduct that historically fell within the traditional scope of the right to keep and bear arms." Instead, historical limitations on the scope of the right are relevant to establish whether the government is permitted to regulate the "arms-bearing conduct" in the manner it does – the step-two inquiry. Id.

7. SWITCHBLADES

Many of the above cases might have come out the same way even if the courts had not made erroneous holdings or dicta about the Second Amendment's plain text. An illustration about how plain text errors can change the result comes from two recent cases about switchblades.

For background, a switchblade is a type of folding knife. Most folding knives have a bias towards closure; that is, the blade will stay inside the handle until the user manually extracts it. The extraction can be accomplished by: holding the handle with one hand and pulling the top of the blade, near the tip, with two fingers of the other hand; using the thumb of the hand that is grasping the handle to move the blade via a hole or knob on the blade; or using one hand to flick the blade open.

In contrast, a "switchblade" is definitionally an "automatic knife," with a bias towards open. A spring in the handle puts the blade under constant pressure towards opening; the blade is kept in the handle by a lock, and when the user pushes a lever or button on the handle, the blade springs into an open position. Many users prefer switchblades because they move to the full open position more reliably than any other type of folding knife. In a self-defense situation, the reliable opening could be critical.

Additionally, the switchblade is the best knife for one-handed opening. This is important for persons with disabilities who can only use one hand. And also important for anyone in a situation where the other hand may be busy – such as a rancher extracting an animal tangled in barbed wire, and who is using the second hand to pull the wire away from the animal.

Switchblades have existed for centuries, but because their internal mechanisms are more complicated, and hence more expensive to manufacture, they did not become mass market items until the latter half of the nineteenth century. Then, they were marketed especially to women as the best folding knife to avoid breaking a fingernail.

After World War II, returning soldiers who had served in Italy brought back Italian switchblades, particularly from Naples, and these knives were associated with criminal activity by juvenile delinquents, most notably in the Broadway play West Side Story.

Today, switchblades are legal in most states. Possession is banned in Delaware, New Mexico, Minnesota, and Washington. In California, blades must be 2 inches or less. The same for Connecticut, except for blades of 1.5 inches or less. Rhode Island and Vermont allow carry for switchblades 3 inches or smaller. In New York, carry is allowed only with a valid hunting, fishing or trapping license.

The 1958 Federal Switchblade Act (29 U.S.C. §1241) forbids interstate commerce in switchblades, except for law enforcement sales. A Second Amendment challenge to the Act was dismissed based on the U.S. Attorney's representations to the court that there had been only four enforcement actions since 2004, and none since 2010. Knife Rights v. Garland, No. 4:23-cv-00547-O (N.D. Tex. June 3, 2024).

THERE WAS NO EVIDENCE THAT SWITCHBLADES ARE "UNIQUELY DANGEROUS" COMPARED TO OTHER FOLDING KNIVES.

In Massachusetts, a statute outlawed all carrying of switchblades in public with a blade over 1.5 inches. On August 27, the Massachusetts Supreme Judicial ruled 5-0 that the ban violates the Second Amendment. Commonwealth v. Canjura, No. SJC-13432 (Mass. Aug. 27, 2024). The court first found that the conduct of carrying a switchblade is covered by the plain text of the Second Amendment. The court rejected the Attorney General's argument that the Second Amendment only applies to firearms. As Heller had explicated, the text says "arms," not "firearms." Historical evidence showed that in the eighteenth century, folding knives "were commonly possessed by law-abiding citizens for lawful purposes around the time of the founding. . . . Therefore, the carrying of switchblades is presumptively protected by the plain text of the Second Amendment."

Hence, the government had the burden of proof to show that bans on switchblades are consistent with our nation's historical tradition of arms regulation. The government could not carry that burden. All of the historic laws it pointed to involve fixed blade knives, such as Bowie knives; none involved pocket knives. The state switchblade laws of the 1950s and 1960s came far too late (per Bruen) to establish a historical tradition that elucidated the original meaning of the Second Amendment.

As for the Attorney General's argument that switchblades are not "in common use" for "lawful purposes," there was no evidence presented. The legality of switchblades in most states belied the notion that these knives are used mainly by criminals. There was no evidence that switchblades are "uniquely dangerous" compared to other folding knives. To the contrary:

Certainly, like handguns, switchblade knives are particularly suitable for self-defense because they are "readily accessible . . . cannot easily be redirected or wrestled away . . . [are] eas[y] to use . . . [and] can be [held] with one hand while the other hand" uses a phone to summon help. Heller, 554 U.S. at 629.

An opposite result was reached by a U.S. District Court for the Southern District of California, even though the California court agreed with the Massachusetts court that there was no American legal tradition that could be analogized to support a switchblade ban. Knife Rights v. Bonta, No.: 3:23-cv-00474 (S.D. Cal. Aug. 23, 2024).

As the court noted, Bruen does not say who bears the burden of proof at what the court called Bruen's "plain text" "step one." Perhaps this is because the plain text issue, like similar issues on the Freedom of the Press Clause, was not meant to be a matter requiring factual evidence.

However, since some other district courts in Ninth Circuit have treated "plain text" as placing a burden of proof on the challenger, the Knife Rights v. Bonta court did so too. There being no extant data on how often switchblades are used for self-defense against criminal attackers, plaintiffs had not carried their burden of proving that switchblades are "in common use today for self-defense."

For the sake of completeness, the California court conducted the Bruen historical tradition analysis, and found that the historical knife laws cited by the government could not justify a complete ban on possession and carry. However, that finding did not matter, because plaintiffs had failed to prove that their conduct (wanting to possess and carry switchblades for all lawful purposes) was covered by the plain text of the Second Amendment.

Although the Supreme Court cannot correct every erroneous lower court decision, the Court should choose an appropriate vehicle to correct the minority of post-Bruen lower court decisions that read the plain text of the Second Amendment contrary to ordinary understanding.

The post How Some Courts are Evading Bruen by Changing its Rules appeared first on Reason.com. **CRPA**

BY C.D. "CHUCK" MICHEL

THE LATEST ON WHERE GUN LAWS AND RECREATIONAL MARIJUANA INTERSECT

In our 2021 article for California NORML, we discussed how federal gun laws intersect with California's legalization of recreational marijuana use. In that article, we examined Ninth Circuit authority holding that federal law makes it illegal for all marijuana users to possess a firearm.

Since then, however, Second Amendment rights jurisprudence has developed rapidly. In June 2022, the Supreme Court issued its decision in *New York State Rifle & Pistol Association v. Bruen*. That ruling set forth the legal test that courts must apply when evaluating the constitutionality of laws regulating firearms and the people who can possess them. And it expressly rejected the analysis previously employed by the Ninth Circuit for deciding such cases. This year, the Court further elaborated on the Second Amendment analysis it established in *Bruen with United States v. Rahimi*, which confirmed that people deemed dangerous by a court can be disarmed.

Because some recent federal court rulings have held that the law prohibiting marijuana users from possessing firearms is unconstitutional, many have asked whether anything has changed legally for marijuana users who would choose to own a firearm.

The short answer is no. But that could change—and possibly soon.

This memo explains what has happened so far, what could happen next for marijuana users who would like to own a gun for sport or to defend themselves or their families, and how folks can reduce their vulnerability to prosecution.

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THE NINTH CIRCUIT HAS CONFIRMED THAT FEDERAL LAW PROHIBITS MARIJUANA USERS FROM POSSESSING FIREARMS

Under 18 U.S.C. 922(g), it is unlawful for certain categories of people to "ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce."

One such category includes people that are "unlawful user[s] of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802))." 18 U.S.C. 922(g)(3). Of course, the federal Controlled Substances Act still includes marijuana, effectively banning all current marijuana users from owning firearms or ammunition.

"Firearms" are defined by the law as "(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device." 18 U.S.C.S. § 921(a)(3). So aside from prohibiting marijuana users from possessing firearms, federal law also prohibits users from possessing starter guns, firearm mufflers and silencers, and destructive devices (bombs, grenades, rockets, and so on).

"Ammunition" is defined by the law as "ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm." Id. § 921(a)(17)(A).

The Ninth Circuit has held that the firearm prohibition on cannabis users is constitutional, even in the context of those with medical marijuana cards, explaining that "these laws will sometimes burden—albeit minimally and only incidentally—the Second Amendment rights of individuals who are reasonably, but erroneously, suspected of being unlawful drug users. However, the Constitution tolerates these modest collateral burdens in various contexts, and does so here as well." *Wilson v. Lynch,* 835 F.3d 1083, 1094-95 (9th Cir. 2016).

Thus, in the Ninth Circuit at least, even those with medical marijuana cards are essentially

considered acceptable collateral damage to this overbroad government policy.

THE PROCESS OF BUYING A FIREARM

When anyone buys a firearm from or through a firearms retailer, they are required to answer questions on the federal "4473" form. In California, there are other state forms that must also be completed, including the Dealer Record of Sale (DROS) form.

The 4473 form specifically asks if the firearm purchaser is an "unlawful user" of marijuana. Even if marijuana use is legal in your state, it is still illegal under federal law. So to be truthful, you must answer "yes" to this question if you use marijuana.

The 4473 form must be signed under penalty of perjury. Committing perjury is a crime.

Federal law also expressly prohibits knowingly making any false statement on the 4473. Doing so is punishable by up to ten years in prison and up to a $250,000 fine. 18 U.S.C.S. § 924(b).

So if you don't answer the questions on the 4473 form truthfully, you can be prosecuted under 18 U.S.C.S. § 924(a)(1)(A) for lying on the form. Prosecutors typically call these cases "Lie and Buy" cases.

A SUPREME COURT DECISION AND LEGAL GAME CHANGER

As a recent Associated Press article explained[1]

A landmark U.S. Supreme Court decision on the Second Amendment is upending gun laws across the country, dividing judges and sowing confusion over what firearm restrictions can remain on the books.

The high court's ruling that set new standards for evaluating gun laws left open many questions, experts say, resulting in an increasing number of conflicting decisions as lower court judges struggle to figure out how to apply it.

The Supreme Court's so-called Bruen decision changed the test that lower courts had long used for evaluating challenges to firearm restrictions. Judges should no longer consider whether the law serves public interests like enhancing public safety, the justices said.

Under the Supreme Court's new test, the government that wants to uphold a gun restriction must look back into history to show it is consistent with the country's "historical tradition of firearm regulation."

Courts in recent months have declared unconstitutional federal laws designed to keep guns out of the hands of domestic abusers, felony defendants and people who use marijuana. Judges have shot down a federal ban on possessing guns with serial numbers removed and gun restrictions for young adults in Texas and have blocked the enforcement of Delaware's ban on the possession of homemade "ghost guns."

In several instances, judges looking at the same laws have come down on opposite sides on whether they are constitutional in the wake of the conservative Supreme Court majority's ruling. The legal turmoil caused by the first major gun ruling in a decade will likely force the Supreme Court to step in again soon to provide more guidance for judges.

THE UNITED STATES v. HARRISON DECISION HOLDS THAT THE BAN ON FIREARMS POSSESSION BY MARIJUANA USERS IS UNCONSTITUTIONAL

The case of *United States v. Harrison* began on May 20, 2022, when Mr. Harrison was pulled over for running a red light. A loaded revolver was found in the car, along with a backpack with various marijuana products. A federal grand jury returned an indictment charging Harrison with possessing a firearm with knowledge that he was a marijuana user in violation of USC 18 U.S.C. § 922(g)(3). United States v. Harrison, No. 22-00328, 2023 U.S. Dist. LEXIS 18397 (W.D. Okla. Feb. 3, 2023).

Harrison asked the district court to dismiss the indictment on various grounds, including that § 922(g)(3), as applied to his marijuana use, violates the Second Amendment. Echoing what the Supreme Court ruled last year in Bruen, Harrison's lawyers argued that the federal law barring marijuana users from possessing firearms conflicted with the nation's historical tradition of firearm regulation.

The prosecution argued, on the other hand, that "disarming presumptively risky persons, namely, felons, the mentally ill, and the intoxicated" is in the public interest.

District Court Judge Patrick Wyrick disagreed, holding that the federal law depriving marijuana users of their Second Amendment rights is unconstitutional. He first explained that the federal government cannot simply exclude marijuana users from "the people" who have Second Amendment rights. If it could, he continued, then the power to exclude people from the protections that constitutional rights provide would be essentially limitless:

Frankly, it's not even clear this is carving out a "subset," as much as an outright declaration of the federal government's belief that it can deprive practically anyone of their Second Amendment right. Who among us, after all, isn't a "lawbreaker"? For sure, there may well exist some adult who has never exceeded the speed limit, changed lanes without signaling, or failed to come to a complete stop at a stop sign, but they are few and far between.

The government also argued that § 922(g)(3) was constitutional because it is analogous to the Nation's deeply rooted historical tradition of disarming felons (because unlawful users of controlled substances have engaged in felonious conduct, even if not convicted of it yet). Again, Judge Wyrick disagreed:

Imagine a world where the State of New York, to end-run the adverse judgment it received in Bruen, could make mowing one's lawn a felony so that it could then strip all its newly deemed "felons" of their right to possess a firearm. The label "felony" is simply "too easy for legislatures and prosecutors to manipulate."

Judge Wyrick was also amused with the government's response on this point:

Remarkably, when presented with this lawn-mowing hypothetical argument, and asked if such an approach would be consistent with the Second Amendment, the United States said "yes." So, in the federal government's view, a state or the federal government could deem anything at all a felony and then strip those convicted of that felony—no matter how innocuous the conduct—of their fundamental right to possess a firearm. Why? Because courts must defer to a legislature's judgments about what is and is not a felony, says the United States. It's as if Bruen's command regarding the inappropriateness of such deference to legislative judgments has been lost in translation.

According to Judge Wyrick, the Nation's historical tradition of regulating firearms supports disarming those who have shown their dangerousness through past violent, forceful, or threatening conduct. But a total prohibition on the right to possess a firearm merely because a person is a user of marijuana does not fall within that tradition. While the government made other arguments—including a bizarre effort to protect its law by analogizing to racist laws of the past (a move Wyrick called

"concerning")—ultimately it was this logic that led the court to rule as it did.

It bears repeating that all the United States would have to prove at trial in order to justify depriving Harrison of his right to possess a firearm is that he is a user of marijuana. But the mere use of marijuana carries none of the characteristics that the Nation's history and tradition of firearms regulation supports. The use of marijuana—which can be bought legally (under state law) at more than 2,000 ordinary store fronts in Oklahoma—is not in and of itself a violent, forceful, or threatening act. It is not a "crime of violence." Nor does it involve "the actual use or threatened use of force."

That Congress may have passed § 922(g)(3), as the United States suggests, with some vague relation to public safety or "the public interest" does not change this conclusion. It is not appropriate for a court to "reflexively defer to a [legislative] label when a fundamental right is at stake." And the use of marijuana does not become a violent, forceful, or threatening act merely because the legislature says it is.

Having established that marijuana users who possess firearms come within the plain text of the Second Amendment, Judge Wyrick proceeded to the historical analysis now required under Bruen. He noted that while there is some history of laws regulating firearm possession by intoxicated persons, none appear to have prohibited the possession of a firearm in the home for purposes of self-defense.

Where the seven laws the United States identifies took a scalpel to the right of armed self-defense—narrowly carving out exceptions but leaving most of the right in place—§ 922(g)(3) takes a sledgehammer to the right.

Judge Wyrick referenced the Bruen decision when he stated that marijuana use doesn't make someone a "dangerous lunatic."

But the United States' own conception of the historical tradition demonstrates why §922(g)(3) as applied to Harrison is not analogous to these traditions. Under the United States' own theory, history and tradition would limit disarmament to ***dangerous*** *lunatics. And as explained above, the mere use of marijuana does not indicate that someone is in fact dangerous, let alone analogous to a "dangerous lunatic." There are likely nearly 400,000 Oklahomans who use marijuana under state-law authorization. Lumping all those persons into a category with "dangerous lunatics," as the United States' theory requires, is a bridge too far.*

Judge Wyrick also noted that the criminal justice system could have kept Harrison behind bars to ensure he didn't get his hands on a gun if it concluded that he's a threat.

None of this is to say that the government cannot play a role in protecting the public from dangerous persons possessing firearms. It can, and it should. For example, if the State of Texas thought that Harrison's alleged involvement in a shooting demonstrated that Harrison was a danger to the public, it could have demonstrated to a Texas judge—in an individualized proceeding of which Harrison would have been given notice and the opportunity to be heard—that Harrison ought to be jailed while awaiting trial for that shooting. The Constitution, after all, permits pre-trial detention, and such detention would be a highly effective means of furthering the government's interest in protecting the public from a gun-toting Harrison. But that didn't happen; Harrison was released pending trial in Texas. And so here we are, with the federal government now arguing that Harrison's mere status as a user of marijuana justifies stripping him of his fundamental right to possess a firearm. For all the reasons given above, this is not a constitutionally permissible means of disarming Harrison.

Judge Wyrick vacated the indictment against Harrison, dismissing it with prejudice. You can read the full ruling here.

In our opinion, the *Harrison* ruling properly applied the Bruen test. But many state and federal government authorities disagree. Indeed, the federal government appealed the district court decision, so the Tenth Circuit will be deciding on the constitutionality of the marijuana prohibition soon. You can track this appeal here.

UNDERSTANDING PERSUASIVE LEGAL AUTHORITY VS. MANDATORY LEGAL AUTHORITY

The ruling in *Harrison* was issued by the Western District of Oklahoma. A decision by one federal district court is not considered *mandatory authority*. So other district courts in Oklahoma (or anywhere else) are not bound by the decision, and they do not have to follow it.

Depending on how well-reasoned and well-written a district court ruling is, however, it can be considered *persuasive authority,* and the reasoning can be adopted voluntarily by any court.

The U.S. government has appealed the *Harrison* decision. Oklahoma is in the United States Court of Appeals for the Tenth Circuit, so decisions of the federal courts of Oklahoma are appealed to the Tenth Circuit. That may uphold or overturn the district court's ruling. If upheld, any ruling (a win or a loss) from the Tenth Circuit would only be binding on federal courts within the Tenth Circuit. But again, such a decision could be relied on as persuasive authority in courts outside that circuit.

RULINGS BY OTHER COURTS

So far, two other court rulings have substantively discussed Harrison.

The first was not favorable. A district court in the Northern District of Indiana stated in a footnote:

*The [c]ourt is not persuaded by Harrison in part due to the weight of authority reaching the contrary conclusion, the [c]ourt's own analysis of the arguments presented in this case, and disagreements with the analysis and conclusions reached by the court in Harrison. For example, the [c]ourt would note that Harrison's reasoning distinguishing the tradition of disarming dangerous persons from § 922(g)(3) seems reliant on reinterpreting those traditions based on pre-Bruen dissents from circuit decisions. See e.g., Harrison, No. 2:22-cr-328 at *31-*32, 2023 U.S. Dist. LEXIS 18397. The [c]ourt is not persuaded such a dramatic departure from existing precedent is required given Bruen established it was consistent with Heller, and the first step of the pre-Bruen test was also consistent with Heller. Bruen, 142 S.Ct. at 2127-30.*

United States v. Posey, No. 2:22-CR-83, 2023 U.S. Dist. LEXIS 22005, at *24 n.9 (N.D. Ind. Feb. 9, 2023).

Things went better in the Western District of Texas, where the court cited *Harrison* repeatedly to support its conclusion that "Section 922(g)(3) breaks with historical intoxication laws by prohibiting not just firearm use by those who are actively intoxicated but also firearm possession by those who use controlled substances, even somewhat irregularly." *United States v. Connelly,* No. EP-22-CR-229(2), 2023 U.S. Dist. LEXIS 62495, at *30 (W.D. Tex. Apr. 6, 2023).

The federal government appealed that ruling, but just recently, the Fifth Circuit affirmed, writing that while restrictions on a *presently* intoxicated person find

historical support, "they do not support disarming a sober person based solely on past substance usage." Like Judge Wyrick, the Fifth Circuit also rejected the government's comparison to historical laws that restricted firearm access by the mentally ill. Thanks to this ruling, § 922(g)(3) will only be effective in the Fifth Circuit when it is applied to presently intoxicated people, and cannabis users are unaffected when they are not under the influence. And because it is a circuit court ruling, it has more persuasive value to courts in other circuits than the *Harrison* district court ruling does. Presumably, the federal government will petition the Supreme Court to review the case now, but it is unclear if that request will be granted.

It is likely that similar challenges will be brought in other district courts in other federal circuits, and those decisions will likely also be appealed. Ultimately, perhaps the Supreme Court will have to address this issue, particularly if two courts of appeal reach different conclusions. Indeed, because *Harrison* and *Connelly* are proceeding in different circuit courts, if different conclusions are reached by the respective circuits, the odds of Supreme Court review will increase. For example, if the Tenth Circuit reviewing the *Harrison* ruling ultimately disagrees with the Fifth Circuit's recent ruling and upholds the federal law, then the Supreme Court will likely need to resolve the split. On the other hand, if the Tenth Circuit agrees with the district court in *Harrison* and the Fifth Circuit in *Connelly*, Supreme Court review may be less likely until another circuit court reaches a contrary ruling. That said, the more circuits that agree, the stronger the persuasive authority becomes, even without a Supreme Court ruling.

WHAT COMES NEXT?

For California marijuana users who choose to own a firearm to benefit, a similar challenge would have to be brought in a district court in the Ninth Circuit, which includes California. A district court ruling in California would likely be appealed to the Ninth Circuit—the same circuit that ruled in *Wilson* that federal law prohibits marijuana users from possessing firearms. *Wilson v. Lynch,* 835 F.3d 1083, 1094 (9th Cir. 2016). But that decision did not consider whether the ban itself violates the Second Amendment under Bruen. That is, the Ninth Circuit did not consider whether the ban was unconstitutional under our historical tradition of firearm regulation. Rather, it proceeded under the now-defunct tiered-scrutiny approach that gave the government far more deference.

There are legal battles being waged in Second Amendment challenges to various gun control laws across the country right now to determine how to apply Bruen when evaluating the constitutionality of any gun control law. Some of those cases challenge classifications of people who are prohibited by federal law from possessing firearms, like non-violent felons, certain

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misdemeanants, and people subject to civil restraining orders. Rulings in those cases might influence a court that is weighing the constitutionality of bans on firearm possession because of marijuana use.

TRY TO AVOID TROUBLE AND KNOW YOUR RIGHTS

Remember that if you are using marijuana and possess a firearm, you are breaking federal law.

If you have a medical marijuana card and you own registered firearms, that is evidence that can be used against you. Even if you do not currently use marijuana, the government may assume otherwise if you have such a card or other evidence of marijuana use.

The *Bruen* decision specifically addressed concealed carry permits, and what states could require from folks applying for one. The decision has made it much easier in all states, including California, to get one of these permits. But people who apply for a CCW are generally asked about drug use, and so forth. If you are not truthful in your application, you could face years in prison and hundreds of thousands of dollars in fines if the permit's existence tips the government off that you are illegally in possession of firearms.

Further, while there is no crime specifically barring lying on a CCW permit application, the standard CCW application form is signed under penalty of perjury. If caught in a lie about marijuana use (or any other information asked on the form), you could be charged with perjury. Even if no such charges are brought, however, getting caught in such a lie would likely mean any future effort to get a CCW permit would be denied based on prior dishonesty.

Also keep in mind that you are vulnerable to being reported by anyone who knows this, and to police if they conduct an investigation for whatever reason. Although prosecuting people for this offense may not currently be high on the list of government priorities, if you possess a firearm and use marijuana, you are at risk right now. The politics of this issue could change.

Know your rights. Remain silent. Don't incriminate yourself. Anything you say will be used against you, even if you are not read your rights first. Do not answer questions. Give your name and address only. Repeatedly say, "I want to remain silent and call my lawyer." Do not discuss your case with police, friends, family, cellmates, or anyone but your lawyer. Beware: Police car and jail phone conversations are recorded and many in jail are informants.

Do not consent to give up your rights. A right voluntarily given up is a right lost. Do not be tricked, threatened, or persuaded into giving up your rights. Do not "consent" to a search without a search warrant. If asked for consent to search, politely and repeatedly refuse, and note nearby witnesses. Do not sign any statements without an attorney's advice.

Ask for a lawyer. If arrested, you may be handcuffed, searched, photographed, and fingerprinted. Do not physically resist a search or arrest. You have a right to have an attorney present during any questioning. Once you say you want to remain silent and ask for a lawyer, questioning should stop. If they keep asking questions, keep silent and keep asking for your lawyer! Call and get your lawyer involved asap!

If you would like a free KNOW YOUR RIGHTS card with the above information to carry in your wallet, email our office at helpdesk@michellawyers.com and we can send you some.

[1] https://apnews.com/article/politics-mississippi-state-government-delaware-california-massachusetts-3983cecfd1107c263d5309ec0d80a966

Related Reading: NORML Legal Committee Submits Amicus Brief in Federal Case Challenging Government's Gun Ban for Medical Cannabis Consumers 5/26/23

C.D. "Chuck" Michel is Senior Partner at the Long Beach Law firm of Michel & Associates, P.C. He is the author of California Gun Laws, A Guide to State and Federal Firearm Regulations now in its 10th edition for 2023 and available at www.calgunlawsbook.com.

Michel & Associates, P.C. is a California NORML legal committee member. See their listing in the Cannabis Attorneys directory. **CRPA**

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BY W. LEE SMITH

CRPA GETS RELIEF FOR CALIFORNIA SHOOTING RANGES

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STATE AGENCY INSPECTIONS ON THE RISE

There has been a recent shooting range enforcement push by the state and local Certified Unified Program Agencies (CUPA), typically by county health departments' hazardous materials division. The increase in CUPAs' enforcement of shooting range maintenance regulations is not good news for California shooting ranges. Many ranges have already been cited for regulatory infractions not applicable in other states. So, understanding the Department of Toxic Substance Control (DTSC)'s shooting range maintenance guidelines is critical for California shooting ranges.

THE EPA'S RECOMMENDED BEST MANAGEMENT PRACTICES (BMP)

Outside of California, state environmental agencies typically follow the EPA's Guidance published in U.S. EPA's Best Management Practices for Lead at Outdoor Shooting Ranges) , In it, the EPA acknowledges the environmental challenges that go along with operating a shooting range and provides some flexibility on complying with federal environmental regulations.

The problem is that some California environmental regulations contradict the federal EPA Guidelines and can pose serious regulatory compliance problems for ranges.

CRPA'S TEAM STEPS IN

To resolve the contradiction between the EPA and DTSC approaches, CRPA put its legal and environmental consulting team to work. Led by environmental lawyers at Michel & Associates, CRPA representatives engaged the DTSC at its highest levels to negotiate the adoption of the more practical EPA Best Management Practices (BMPs) by state regulators while still protecting the environment. After over a decade of lobbying, legal challenges, and negotiations between CRPA representatives and DTSC, DTSC finally implemented new policies, adopting some of the EPA Guidance Document's BMPs and thus coming more into compliance with federal standards.

LEAD RECLAMATION AND RECYCLING PROCESSES- WHAT CRPA'S WORK MEANS FOR RANGES

Ranges must perform periodic lead reclamation due to safety concerns and federal and state environmental laws. The most important BMP now allows lead-impacted soil in backstops and the shot fall zones to be returned to the range after a lead reclamation project. If DTSC were to enforce California regulations too strictly, it would criminalize the most common and practical lead reclamation and recycling processes and would prevent safe and environmentally advantageous lead recycling. If this recycling were not allowed, lead impacted soil would have to be treated and disposed of as a "hazardous" waste. The soil disposal costs would be too

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expensive for most ranges and would have forced many ranges out of business. By negotiating these changes to how lead on ranges is processed, CRPA's work is instrumental in keeping more ranges open and operating.

MORE COOPERATION TO COME

CRPA representatives continue to work with DTSC to adopt more of the environmentally sound BMPs from the EPA. These common-sense BMPs make shooting range maintenance far less complicated and costly while protecting the environment in a way that California's environmental regulations sometimes prevent.

For example, two additional BMPs would make shooting range maintenance more robust and cost-effective. The first is the ability to safely move lead impacted soils from one area of the range onto another area that is already lead impacted. The second BMP would allow the treatment of lead-impacted soil after lead reclamation to better bind the lead and do more to prevent lead-contaminated soil from eroding and migrating off-site in stormwater.

SUPPORT CRPA'S RANGE PROTECTION PROGRAM!

CRPA continues to lead the fight against improperly interpreted and over-broad California regulations jeopardizing the operation of shooting ranges and clubs. While many within the firearms industry and regulatory agencies have dismissed the idea of DTSC's flexibility regarding California regulations oversight and enforcement, CRPA and its legal and consulting team's diligence, determination, and perseverance have successfully worked with the DTSC to protect the environment in practical ways that allow California shooting ranges to keep operating. We appreciate DTSC's willingness to work together.

Contact CRPA (CRPA.org) or Michel & Associates (https://www.shootingrangelaw.com/) if your range is facing environmental or operational challenges.

Mr. Smith specializes in environmental, land use and insurance law. His environmental law practice emphasizes cost-recovery litigation under the Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, the Hazardous Substance Account Act, and related regulatory provisions and common law theories of recovery. **CRPA**

BY RICK TRAVIS
LEGISLATIVE DIRECTOR

LEGISLATIVE REPORT

The two-year 2023-2024 session has ended, and it's been a tough two years. Each year has seen hundreds of attempts to wither away the rights of law-abiding citizens here in California. The 2023 session alone seen the far left anti-Second Amendments through a legislative temper tantrum after the Supreme Court of the United States handed down the landmark NYSRPA v. Bruen decision. Senator Anthony Portantino who will go down in state history as the most unconstitutional and overturned Senator in California history authored Senate Bill 2 designed to destroy the Bruen decision and your rights.

The California Rifle and Pistol Association has fought back in the courts winning victories to roll back Portantino and his cronies which brings us to 2024. Portantino and other Gov. Newsom minions sought to pass a package of bills the CRPA labeled as "Every Gun-Every Gun Owner" to further turn in the law-abiding citizen into a criminal. I want everyone reading this article to remember that whenever someone asks you why you consider the opposition to your second amendment rights to be evil, respond with the following:

"There has never been a time in the history of humanity, that those who seek to disarm the law abiding have ever been the good guys."

The bill package contained five bills. Senator Portantino kicked off the package with SB 1160 which was designed to force registration of every firearm and place both an initial fee and annual fee to keep each firearm you own. The bill needed four other components to be effective, but the bill was defeated.

To make sure there would be compliance and the government could verify all firearms and their owners they employed three mechanisms. The first were two bills – SB 53 (Portantino) who

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LEGISLATIVE REPORT

initially sought to violate no less than three separate Supreme Court decisions by forcing firearms owners to separate their ammo and firearms. This was combined with AB 3064 which sought to create a roster of firearms safety devices to force compliance. Both bills were amended down four times to make them ineffective in achieving their intended goals.

The Firearms Safety Certificate (FSC) was being used by SB 1253 to turn your FSC into a firearms license that had to be always carried. This bill was defeated. The final piece of the plan was to turn your residential insurance agent into their enforcement of the previous bills by having them annually check on your firearms, storage, and compliance. Failure to meet those requirements would result in losing your residential insurance. This bill also failed.

The anti-2A legislators went after everything from hunting dogs (multiple problematic bills, land access issues, youth shooting sports, youth camps, ranges, advertising and more. More than eighty bills were defeated along the way. The few that passed were of a technical issue and are being challenged.

The session saw the turning of the tide in that we had two full capitol days where people like yourself went to the capitol and worked to advance your rights. We saw youth testify to several legislators on both sides of the political divide in an effective way. We saw allies join us in the capitol to achieve our goals in defeating legislation and we saw those groups build unified coalitions that extend beyond California's borders.

The elections will help determine the fight in the next four years both locally and nationally. The new session will begin on January 2 as the 2025-2026 session. The CRPA is stronger than ever and will be fighting back with legislation designed to bring back your rights. We need you to engage with us and be the force that takes back California and restores our constitutional rights. Join us at a local chapter meeting and I hope to see you there. **CRPA**

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BY KONSTADINOS MOROS

LITIGATION REPORT

SECOND AMENDMENT LITIGATION REPORT

This report provides an overview of just some of the efforts being taken to protect the rights of California gun owners, and we also track a sampling of notable cases outside of California as well. Although litigation plays an extremely important role in the fight for the right to keep and bear arms, there are many other tremendous and equally important endeavors throughout California and across the nation.

Protecting the Second Amendment requires an enormous amount of resources and involvement in all levels of California's government, including all 58 counties, all 482 municipalities, and all state and local agencies tasked with enforcing the myriad of complex and ever-expanding gun laws.

THERE ARE THREE BIG PIECES OF NEWS TO REPORT FOR THIS ISSUE'S LITIGATION REPORT, ONE AT EACH LEVEL OF THE FEDERAL COURT SYSTEM.

In CRPA vs. LASD, we finally received our preliminary injunction ruling, and it was a bit of a mixed bag. The district court judge denied issuing an injunction against La Verne's high fees and the psychological examination, on technical grounds. However, she did rule that the Los Angeles Sheriff's Department may not take over 18 months to issue CCW permits. Unfortunately, she limited relief to the named plaintiffs for now. But in better news, the judge ruled California must at least allow nonresidents to apply for California CCW permits, and as this is being written we are in negotiations with the Department of Justice for how that will work. CRPA will continue to pursue this matter to a final judgment, and address the judge's stated concerns with the rest of the issues presented.

In May v. Bonta, the 9th Circuit panel issued its ruling, deciding that CRPA prevails as to banks, hospitals, churches, medical facilities, public transportation, gatherings that require a permit, the parking areas attached to those places, and the property default "vampire" rule. But the panel ruled against us and other plaintiffs as to playgrounds, parks, state parks, casinos, stadiums and arenas, libraries, zoos, museums, and the parking areas serving those places. We have filed a petition for rehearing en banc as to some of the ruling. While the decisions was arguably better than expected given the tough makeup of the panel assigned, CRPA believes the flaws in its analysis merit rehearing.

Finally, CRPA will soon be filing an amicus brief in Snope v. Brown (formerly Bianchi v. Brown), a case seeking to reverse the 4th Circuit's en banc ruling upholding Maryland's "assault weapon" ban. If the Supreme Court grants review, it will be the next blockbuster gun case of this term and have the potential to end bans on common rifles nationwide.

Konstadinos Moros *is an Associate Attorney with Michel & Associates, a law firm in Long Beach that regularly represents the California Rifle & Pistol Association (CRPA) in its litigation efforts to restore the Second Amendment in California. You can find him on his Twitter handle @MorosKostas.* **CRPA**

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CALIFORNIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Boland v. Bonta ***Renna v. Bonta***	Does California's Unsafe Handgun Act (the Roster) violate the Second Amendment?	United States District Court Central District of California 9th Circuit	The court granted the plaintiffs' motion for preliminary injunction on March 20, 2023 in Boland, enjoining the microstamping, loaded chamber indicator, and magazine disconnect requirements. California appealed, and the 9th Circuit stayed the ruling, except for the microstamping requirement.	The 9th Circuit heard oral arguments on August 23, 2023, but recently vacated the oral argument it heard to instead hold the decision pending Duncan. New briefing may be ordered.
Rhode v. Becerra	Does California's law requiring background checks for ammunition violate the Second Amendment?	United States District Court Southern District of California 9th Circuit	Judge Benitez ruled in favor of Plaintiffs, kicking off an ammunition "freedom week". The Ninth Circuit stayed the injunction however, so now the regulations are back in effect for the time being.	Appeals briefing is complete, and oral argument is likely in December.
Rupp v. Becerra	Does California's Assault Weapons prohibition violate the Second Amendment?	United States District Court Central District of California	The trial court entered summary judgment in favor of the State, and Plaintiffs have appealed.	The 9th Circuit has stayed this matter pending Duncan.
Duncan v. Bonta	Does California's prohibition on large-capacity magazines violate the Second Amendment?	United States District Court Southern District of California 9th Circuit	Judge Benitez ruled in favor of CRPA for a second time, case appealed.	In an unusual move and over vociferous dissents, the 9th circuit en banc panel took back the case. Oral argument was heard in March, and now we await a ruling from the 9th Circuit. At the oral argument, one judge expressed that this should be the first case ever to be reheard by the entire 9th Circuit, but no other judge expressed support at the hearing for that idea.
Linton v. Bonta	Does California's firearm rights restoration regime violate the Second Amendment?	United States District Court Northern District of California	In a surprise decision, Judge Donato of the Northern District of California ruled that the Second Amendment forbids banning Plaintiffs, who had their prior convictions in other states vacated and their rights restored, from having guns.	The State did not appeal, so it appears the judgment is final.
Chavez (formerly Jones) v. Bonta	Does California's under-21 firearm prohibition violate the Second Amendment?	United States District Court Southern District of California	In December, the District Court denied Plaintiffs' motion for preliminary injunction, or in the alternative, motion for summary judgment.	The parties have filed dueling motions for summary judgment, with a ruling to follow.

CALIFORNIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Miller v. Bonta	Does California's assault weapons prohibition violate the Second Amendment?	United States District Court Southern District of California 9th Circuit	Judge Benitez again struck down the California "assault weapons" ban.	The 9th Circuit heard oral argument, but then immediately stayed the matter pending ***Duncan v. Bonta***.
Junior Sports Magazines v. Bonta	Does California's new law prohibiting the marketing of firearms products to youth violate various constitutional principles, including the 1st Amendment?	United States District Court Central District of California 9th Circuit	9th circuit ruled for plaintiffs, overturning the district court. California then petitioned for en banc review. En banc review was denied, so the matter went back to the district court for issuance of a preliminary injunction.	The district court in the parallel matter of SCI v. Bonta issued an injunction against the law, and the district court in this matter finally did as well, but only as to one subsection of the law. Plaintiffs have appealed again for clarity.
B&L Productions v. Newsom (Southern District)	Does the ban on gun shows at the Del Mar Fairgrounds violate the First and Fourteenth Amendments?	United States District Court Southern District of California 9th Circuit	Plaintiffs appealed, but have moved to stay the appeal pending the result of a similar case in the Central District.	The 9th Circuit ruled against Plaintiffs, and denied en banc review. Plaintiffs are now asking the Supreme Court to review the case.
B&L Productions v. Newsom (Central District)	Does the ban on gun shows at the Orange County Fairgrounds and Statewide violate the First, Second, and Fourteenth Amendments?	United States District Court Central District of California 9th Circuit	District Court ruled in favor of the Plaintiffs on October 30, 2023, gun shows ordered to resume.	The 9th Circuit ruled against Plaintiffs, and denied en banc review. Plaintiffs are now asking the Supreme Court to review the case.
Baird v. Bonta	Does California's ban on open carry violate the Second Amendment?	United States District Court for the Eastern District of California 9th Circuit	Plaintiffs lost their preliminary injunction at the district court, but on September 7, 2023, a 9th circuit panel remanded the case back because the district court made serious errors in its analysis. The district court, in a lengthy ruling, upheld the law.	Plaintiffs have appealed.

CALIFORNIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
May v. Bonta ***Carralero v. Bonta***	May California ban carry, even with a CCW permit, in almost all public places?	United States District Court for the Central District of California 9th Circuit	Plaintiffs achieved an injunction as to every place they challenged where California attempted to ban carry. The 9th Circuit initially stayed that injunction and let the law go into effect for a week, but then dissolved that stay.	The 9th Circuit issued its ruling, which was a split decision. Plaintiffs have asked for en banc review.
CRPA vs. LASD	A number of issues related to CCW permits including: -Long wait times -High fees. -Psychological examination -Suitability determinations -Interstate reciprocity	United States District Court for the Central District of California	The Judge issues a mixed ruling as to Plaintiffs' motion for preliminary injunction, granting relief to the plaintiffs as to the long wait times and forcing California to issue permits to nonresidents.	Plaintiffs will pursue a final judgment in the district court.
Nguyen v. Bonta	Federal Second Amendment constitutional challenge to California's ban on purchasing more than one firearm in a 30-day period.	United States District Court for the Southern District of California 9th Circuit	Plaintiffs prevailed in the district court, with judgment entered in their favor, but stayed the ruling for 30 days so the State could try and get a stay from the Ninth Circuit.	In a surprise move, the 9th Circuit lifted the stay after oral argument, indicating its ruling will be favorable.
Jaymes et al v. Maduros	Challenge to California's new 11% tax on guns and ammunition.	Superior Court of California, County of San Diego	The complaint was recently filed.	The complaint will be amended to add in gun dealer plaintiffs.

HAWAII CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Wolford v. Lopez Does Hawaii	State's post-Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of Hawaii 9th Circuit	The district court granted a temporary restraining order, and the 9th circuit refused to stay that order for now, but may reconsider after the district judge rules on a motion to stay.	The 9th Circuit issued its ruling, which was a split decision. Plaintiffs have asked for en banc review.
Teter v. Lopez	Is Hawaii's ban on butterfly knives constitutional?	United States District Court District of Hawaii 9th Circuit	9th Circuit rules that Hawaii statute banning butterfly knives, or balisongs, was inconsistent with the nation's historical tradition of regulating weapons, and thus violated the Second Amendment.	Hawaii petitioned the 9th circuit for en banc review of the 3-0 panel ruling, which was granted. The 9th Circuit reheard this matter en banc in June, with the judges arguing over whether it was moot or not, as Hawaii repealed the underlying law, but there is still an issue as to concealed carry.

LITIGATION REPORT

WASHINGTON CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Mitchell v. Atkins	Does Washington State's assault weapons Ban violate the Second Amendment?	United States District Court Western District of Washington	Plaintiffs filed their complaint in April 2023. Judge denied preliminary injunction.	Appeal is being held pending Duncan.

NEW YORK CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Antonyuk v. Hochul (a number of similar cases also filed and being heard jointly on appeal)	Does New York State's post-Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court Northern District of New York	The Judge ruled mostly in Plaintiffs' favor. In a December ruling, the Second Circuit upheld most of the law but struck down a couple of pieces of it, including the private property default rule.	Plaintiffs filed a petition for certiorari with the Supreme Court, which was granted, and the Court remanded the matter back to the 2nd Circuit for further consideration in light of Rahimi.

NEW JERSEY CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Koons v. Platkin	Does New Jersey State's post-Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of New Jersey	The Judge ruled mostly in Plaintiffs' favor. The case is now on appeal.	Oral arguments heard on October 25, 2023. Awaiting a ruling.
Association of New Jersey Rifle & Pistol Clubs v. Grewal	Does New Jersey's ban on large capacity magazines violate the Second Amendment? Does its assault weapon ban violate the Second Amendment?	United States District Court District of New Jersey	Remanded for further proceedings due to Bruen. District Court ruled bans on AR-15s violate the Second Amendment, but not magazine capacity limits.	Appeal pending.

MARYLAND CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Bianchi v. Frosh	Does Maryland's assault weapons ban violate the Second Amendment?	4th Circuit Court of Appeal	Oral argument was in Dec. 2022.	The 4th Circuit upheld the law en banc, and now Plaintiffs are petitioning the Supreme Court.
Maryland Shall Issue v. Montgomery County	Does Montogomery County's post-Bruen permit issuance program violate Bruen, particularly by making nearly everywhere in the State a "sensitive place" where carry is forbidden?	United States District Court District of Maryland	Court denied motion for preliminary injunction.	Appeal pending. CRPA filed an amicus brief in support of plaintiffs in their appeal. Appeal is being held pending the resolution of a state court action regarding the same dispute.

TEXAS CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Mock v. Garland	Federal lawsuit challenging the ATF's pistol brace rule.	United States District Court Northern District of Texas 5th Circuit	Plaintiffs prevailed at the district court level, and then again at the Fifth Circuit. A district court issued a preliminary injunction on October 2, 2023. The district court then issued its final judgment in June.	Fifth Circuit will hear the appeal from the final judgment.
VanDerStok v. Garland	Federal lawsuit challenging the ATF's "frame or receiver" rule.	United States District Court Northern District of Texas 5th Circuit United States Supreme Court	Plaintiffs prevailed at the district court level, and again in the Fifth Circuit, but the Supreme Court stayed their win.	Certiorari granted by the Supreme Court, case will be heard this term.
United States v. Connelly	Is the federal law that prohibits marijuana users from having firearms constitutional?	United States District Court Western District of Texas 5th Circuit Court of Appeal	The trial court struck down the law.	The Fifth Circuit affirmed the trial court. The United States will likely appeal to the Supreme Court.

LITIGATION REPORT

RHODE ISLAND CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Ocean State Tactical v. Rhode Island	Does Rhode Island's large capacity magazine prohibition violate the Second Amendment?	United States District Court District of Rhode Island 1st Circuit Court of Appeal	Plaintiffs appealed the loss of their preliminary injunction motion in Dec. 2022. The 1st Circuit also ruled against Plaintiffs	Plaintiffs are seeking Supreme Court review.

PENNSYLVANIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Range v. Garland	Does a nonviolent misdemeanor offense from over two decades ago mean someone can permanently lose Second Amendment rights?	United States District Court for the Eastern District of Pennsylvania United States Supreme Court	The Third Circuit, sitting en banc, ruled in Plaintiff's favor and explained that "despite his false statement conviction, he remains among "the people" protected by the Second Amendment."	Federal government filed for certiorari with the Supreme Court. Instead, the Supreme Court remanded the matter back down for further proceedings in light of Rahimi.

OREGON CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Oregon Firearms Federation, Inc. v. Brown (and related cases)	Does Oregon's large capacity magazine prohibition violate the Second Amendment?	United States District Court District of Oregon 9th Circuit	Judge ruled against Plaintiffs on the grounds that magazines of over ten round capacity are not covered by the 2nd Amendment.	Case is stayed pending resolution of ***Duncan. v. Bonta.***

WEST VIRGINIA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
United States v. Price	Is the federal law that requires serialization of firearms constitutional? United States	District Court District of West Virgina 4th Circuit Court of Appeal	The trial court struck down the law and the plaintiffs have appealed to the 4th Circuit.	The appeal is underway in the 4th Circuit.

MISSISSIPPI CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
United States v. Daniels	Is the federal law that prohibits marijuana users from having firearms constitutional? United States	District Court for the Southern District of Mississippi 5th Circuit Court of Appeal United States Supreme Court After losing in the district court,	Plaintiffs appealed to the Fifth Circuit, which reversed and ruled in favor of the Plaintiffs that the prohibition on firearm ownership merely for using marijuana is unconstitutional. Federal government filed for certiorari with the Supreme Court. Instead,	the Supreme Court remanded the matter back down for further proceedings in light of ***Rahimi.***

OKLAHOMA CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
United States v. Harrison	Is the federal law that prohibits marijuana users from having firearms constitutional?	United States District Court District of Oklahoma 10th Circuit Court of Appeal	The trial court struck down the law and the plaintiffs have appealed to the 10th Circuit.	The appeal is underway in the 10th Circuit.

DELAWARE CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Delaware State Sportsmen's Association, et al. v. Delaware Department of Safety and Homeland Security, et al.	Does Delaware's assault weapons ban violate the Second Amendment? Does Delaware's large capacity magazine ban violate the Second Amendment?	United States District Court District of Delaware	In late March 2023, the district court denied plaintiffs' motion for preliminary injunction. Plaintiffs appealed to the Third Circuit Court of Appeal.	The action in the district court is stayed pending resolution of the appeal to the Third Circuit.

ILLINOIS CASES

CASE NAME	ISSUE	COURT	STATUS	WHAT'S NEXT
Federal Firearms Licensees of Illinois v. Jay Robert Pritzker (consolidated with Barnett v. Raoul and a number of other cases dealing with state and local assault weapon bans in Illinois)	Is Illinois' Assault Weapons Ban Constitutional under Bruen?	United States District Court District of Illinois 7th Circuit United States Supreme Court	The court granted Plaintiffs' motion for preliminary injunction on April 28, 2023, but the Seventh Circuit reversed in November. The 7th Circuit denied en banc review.	Trial completed in September. Awaiting trial court judgment.

LOCAL ADVOCACY
LOCAL POLITICS ARE CLOSE TO HOME

In an age where national headlines dominate our news, it's easy to overlook the significance of local politics. Yet, local governance impacts our daily lives in profound ways. From the schools our children attend to the roads we drive on, to the gun stores that are allowed in our hometowns and the restrictions politicians attempt to place on your rights, local decisions shape our communities more than we often realize. Understanding local politics is not just about your civic duty; it's about realizing that our voices matter where we live and that millions of gun owners in California and across the country can make a difference in those races.

Local governments are responsible for a wide range of services and policies that directly affect our communities. These include public safety, education, transportation, and housing. Elected officials at the local level make decisions on budgets, zoning laws, and public health initiatives. When residents engage with local politics, they influence how these services are delivered and prioritized. CRPA has been engaging in local politics for decades by attending city council and country commission meetings, to writing letters and talking points for members to deliver on behalf of all gun owners. We usually try to get the local officials to stop their potentially reckless attacks on lawful gun owners in the name of "safety" before legal action is necessary. Sometimes local officials listen and sometimes choose the path to litigation hoping that pro-gun groups will not have the funding to stop them. This is why local decisions at the ballot box matter.

For instance, a local city council's decision on taxation of gun owners, when and where gun shops can do business, or whether you can carry a lawful CCW to a political rally in your city have direct impacts on how you and your family live and stay safe. These local issues often are testing grounds for laws that will eventually be brought to the state level for a vote and are the training grounds for politicians who many times get a bad law passed in a community and then move on to the state or federal level of politics without another thought of how their unconstitutional law impacts the citizens in that community. By engaging with local politics, residents have the power to address these challenges in ways that resonate with their community's unique needs. By doing your homework and electing people to local offices that share your same understanding of the Second Amendment, you are helping gun owners in the state avoid bad policies working their way up to the state level.

Engagement in local politics doesn't require a degree in political science. It starts with knowing the candidates that share your Support for the Second Amendment, awareness of issues, and participation in the process. Many gun owners think there is no use in voting and just skip it, but this is something we have been told which is not true. Did you know that in the last several elections, local districts have been listed as purple in color, meaning that they are up for grabs and easily flipped? Several of those purple jurisdictions were lost by a VERY SLIM vote count. We have millions of gun owners in California and there are ways that you can make a difference:

1. Attend Local Meetings: City council meetings, school board sessions, and community forums are where decisions are made. Attending these meetings allows residents to hear discussions

firsthand and voice their opinions. Engaging in this way can demystify the political process and show how accessible local governance can be. Get talking points on issues from your CRPA member emails that come out weekly, from the magazine, CRPA website news section, or social media.

2. Stay Informed: Local newspapers, community newsletters, and online platforms are valuable resources for understanding local issues and candidates. Many municipalities now have websites that provide information on agendas, minutes from meetings, and contact information for elected officials. Social media can also be a powerful tool for connecting with local leaders and other engaged citizens, fostering discussions that can lead to meaningful change. Most local jurisdiction allow you to sign up to get the agenda automatically emailed to you so you can tell what topics are important to you (Hint: Many times, for gun-related topics they try to hide the name of the issue as something completely unrelated so be aware!)

3. Chapters CRPA has local chapters in most communities across the state. There is a weekly email that goes out to members letting you know when the next meeting will be, we have meetings posted on the website and on social media. There is even a special section on the website devoted to chapter work. Getting involved with like-minded people in your community is a great way to understand what is happening.

4. Vote: I cannot stress the importance of exercising this right enough! Local elections often have lower turnout than national ones, but every vote counts (Yes, even in California). Participating in local elections ensures that your voice is heard in decisions that affect your community. Every time a local election occurs, I hear people days later ask, "how could that person have won?" I ask them if they voted and the answer sadly is usually "no, I didn't have time" or "I did not know who to vote for." Consider educating yourself about the candidates and measures on the ballot, as local elections can sometimes include nuanced issues that require informed decision-making. CRPA has had these election resources along with graded candidates and endorsed candidates from the CRPA PAC on the website since January of 2024. Please see https://crpa.org/programs/campaigns-elections/

THE RIPPLE EFFECT OF LOCAL DECISIONS

Local politics often serve as a microcosm of national issues. Policies on education, healthcare, and environmental regulations can begin at the local level before influencing state and national discussions. For example, a successful local initiative for renewable energy can inspire broader state policies, while local responses to public health crises can inform national strategies. Unfortunately, we have seen far too many gun-control politicians in California try to push those policies out to other states in an effort to spread the number of jurisdictions that limit the Second Amendment. Thankfully, CRPA doesn't just work at the local and state level, but we work with groups across the country to hold the line and protect the Second Amendment.

Local politics are not just about governance; they are about community. In our case, the Second Amendment Community- those who believe that the ownership and possession of a firearm is a foundational right, not given by any government, but which should be protected even when gun owners are disfavored by politicians. Local politics shape our everyday lives and determine the resources available to us and our families. Engaging with local politics is an opportunity to influence decisions that matter most, creating a ripple effect that can resonate far beyond our neighborhoods.

By recognizing the power of our voices and the impact of our actions, millions of gun owners can change the political landscape. Local politics truly are close to home, and by embracing our role in them, we can create the change that we want to see in our communities. We can work to elect officials that respect our rights and keep our communities safer. As the saying goes, "Think globally, act locally."

Tiffany D. Cheuvront *leads the local ordinance project for Michel & Associates, P.C. With over 19 years' experience in the non-profit and regulatory fields, she practices civil rights litigation and corporate governance law (five of those years working specifically in Second Amendment and CA policy). Tiffany has written and provided testimony on issues at the local, state and federal levels of government.* **CRPA**

LOCAL ADVOCACY

BY TIFFANY D. CHEUVRONT

LOCAL ADVOCACY REPORT

The **Local Advocacy Project** actively monitors all of California's 58 counties and 482 municipalities to support or oppose any proposed ordinance, law, or policy likely to impact Second Amendment rights. Local efforts include developing and working with a network of professionals, citizens, local government officials and law enforcement professionals to effectively oppose local threats to California gun owners. These efforts also serve as the foundation for litigation efforts against municipalities that enact anti-gun-owner legislation.

JURISDICTION AND ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
GUN SHOWS	For years CRPA has fought along side promoters to keep gun shows in California. Gun Shows are more than just a place to purchase firearms and beef jerky, they are a cultural experience of like-minded people coming together to discuss politics and their freedoms.	After a long wait from the Orange County Court, the judge enjoined the state ban on gun shows (no selling firearms, ammunition, or parts on state property) This **WIN** covered the state-wide law and the specific law for Orange County.	The state has now appealed the case to the Ninth Circuit and the OC and State law cases have now been joined with our challenge to the AB 893 our of San Diego. Both cases will be heard together in March 2024 oral argument. The panel with the Ninth Circuit ruled against CRPA Plaintiffs and the lower court injunction of the state's ban on gun shows. CRPA requested that the court stay the mandate while we appeal to the Supreme Court. While the state did not oppose staying the mandate and allowing gun shows to continue while we appealed, the Ninth Circuit panel refused and will issue the mandate. CRPA has filed an Emergency Application with the Supreme Court to protect gun shows while on appeal. If we do not get the Supreme Court to rule in our favor, gun shows will end until the full appeal to the Supreme Court is concluded. Stay tuned to CRPA News updates via email and social media to view updates on this developing situation.
STATEWIDE PUBLIC RECORD REQUESTS	CRPA regularly seeks and obtains public records in connection with any anti-gun efforts in California. Such efforts include proposed anti-gun ordinances, gun buyback programs and other anti-gun regulatory enforcement issues.	Responses to these requests often yield valuable results, such as which members of a local government entity are working with anti-gun groups, sources of funding and other important information.	Ongoing. CRPA attorneys monitor and review thousands of pages of public records requests each month. *Public Records Requests have been submitted for the DOJ leak of gun owner information.
CRPA COALITION WORK	The CRPA has been working with other groups across the state for years to influence and advance pro-2A work in the state. We believe in leveraging our combined strength to get things done.	Coalitions are built from other non-profit groups with similar missions coming together. We work with local chapter leaders, elected officials and legislative teams to push support and protection of the Second Amendment.	Watch for joint letters from coalition groups to fight harmful legislation in the state and for work with other groups during this election cycle. To sign up for the Range Coalition, send an email to ranges@crpa.org. **Updates on CRPA's work to advocate for ranges against DTSC regulations continues. New updates that affect ranges went out to coalition members. Make sure you are a registered member!**

JURISDICTION AND ISSUE	DESCRIPTION	LOP RESPONSE	STATUS
CCW Issuance Issues	We understand that there are issues with jurisdictions having enough training classes and issuance of CCWs	CRPA is working with jurisdictions to make sure that the regulations imposed are followed. CRPA is working with trainers to get them the correct information to meet the new standards.	It is not a requirement of the law that a co-worker be listed as a reference. We know that some police departments are trying to force this issue in the application process. CRPA challenged those departments and they removed this as a requirement- **WIN!** More information at https://crpa.org/ccw-issues-in-california/
Ghost Gun Bans	Gun Control groups are busy pushing to try to get local jurisdictions to pass restrictions on the possession, sale, transfer, or manufacturing of "ghost guns" including precursor parts.	San Diego, Los Angeles, and San Francisco have all passed the same basic ordinance in the last few weeks. The problem with these ordinances is that they address areas of concern that are controlled by the state AND there is no clear definition of what a precursor part is at the moment- these cities just made every piece of metal illegal to own and created criminals out of citizens with lawful products overnight.	CRPA is currently fighting in the courts on this issue. Please follow CRPA news for more information
CALL FOR PLAINTIFFS	If you are a CRPA member, we need you!	When local ordinance issues do not go well, we have to fight for your rights in court. We need members just like you who are negatively affected by these unconstitutional laws to step up as named plaintiffs in the	If you are interested in serving as a plaintiff in any of our upcoming litigation, please contact us at **potentialplaintiffs@michellawyers.com.** **Specifically looking for individuals who are being denied their CCW after meeting all of the requirements under the new law.**
CRPA Elections	CRPA grades are out for local, state, and federal candidates based on their submitted questionnaires. CRPA PAC has issued endorsements ahead of the March primaries. Please watch for those candidates who support your 2A rights and have their names at the polls.	Please share our candidate resources with anyone who is a Second Amendment Supporter and interested in running for office.	**NOVEMBER IS THE TIME- MILLIONS OF GUN OWNERS CAN MAKE A DIFFERENCE! UNDERSTAND WHICH CANDIDATES SUPPORT YOUR RIGHTS AND SUPPORT THEM AT THE BALLOT BOX!** **View Pro-2A Candidates at the link below:** https://crpa.org/programs/campaigns-elections/

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

CRPA PROGRAMS UPDATE

WHAT'S FAIR IS FAIR

CRPA Programs have seen non-stop activity this year and its no mystery as to why that is.

On the backbone of signed legislation from 2023, the California Legislature was primed to bring an onslaught of detrimental bills (they tried, and we weathered), existing lawsuits require tending to, and with sensitive places and new taxation being implemented, surely new lawsuits would need to be filed.

Catalina Mule Deer face extinction at the hands of the Catalina Conservancy because they really like a flower and a tree, and bears and mountain lions run rampant through the state as populations are way over carrying capacity.

Oh and did I forget to mention that little thing called election season!? CRPA has been more active than ever before as we have gone through some of the most divisive primary and general elections this country and state have ever seen.

GETTING THE IMPORTANT MESSAGES OUT THERE AND RECRUITING MORE PEOPLE TO OUR CAUSE IS HOW THESE PROGRAMS CAN CONTINUE TO FLOURISH

Getting the important messages out there and recruiting more people to our cause is how these programs can continue to flourish and be effective and placing ourselves in front of wide swaths of people while engraining within the community is how this can get done.

CRPA Chapters continue to answer this call! 10 County Fairs throughout the state saw CRPA Chapters this year from Modoc to Siskiyou, Marin to Placer, San Luis Obispo to San Diego and several others.

Dozens of new CRPA Chapter Members were recruited, hundreds of new CRPA members, thousands of dollars raised for 2A litigation and many more interactions informing the community of CRPA's stance, and where it lines up with the United States Constitution.

Any event held at a fairground is likely to entice a wide variety of people to attend. With large venues and generally prime locations within a given county, its no wonder why gun show promoters have chosen to engage fairgrounds to try and contract gun shows. But with firearms sales on state owned property being attacked by the legislature, CRPA Chapters have continued their presence at these venues with the purpose of representing their community.

CRPA Chapters are offering their local communities and the firearms community in the State at large a wide variety of benefits and are continuing to find ways to continue and build the firearms community by targeting areas like the county fair and it is with these efforts that the grass roots movement for the Second Amendment Community in California continues to take steps forward. **CRPA**

SEE ALL OF CRPA'S PROGRAMS AT CRPA.ORG

LEGISLATIVE ADVOCACY	SHOOTING PROGRAMS	2A LITIGATION PROGRAM
REGULATORY WATCH PROGRAM	RANGES & RETAILERS PROTECTION PROGRAMS	BUSINESS AFFILIATE PROGRAM
WOMEN'S PROGRAM	HUNTING & CONSERVATION	VOLUNTEERS & GRASSROOTS
FIREARM SAFETY PROGRAMS	LAW ENFORCEMENT INITIATIVE	CAMPAIGNS & ELECTIONS
HISTORICAL ARMS COLLECTING & EXHIBITIONS	LOCAL ADVOCACY & CRPA CHAPTERS	PUBLICATIONS

THE POLICE CREDIT UNION WELCOMES MEMBERS OF CRPA TO JOIN OUR FAMILY

The Police Credit Union is proud to celebrate more than 70 years of service to our members – marking decades of continued strength and growth as an organization, and allowing us to continue to serve our unique membership.

While our name today may be different from when we first started back in 1953, our commitment to being your trusted financial partner remains the same. Today we're proud to say we've expanded our membership reach in our communities to now be able to serve you. By becoming a member today, not only will you have access to a full suite of financial products with great rates and low fees, you can also experience the difference a financial institution that is dedicated to your needs can make.

Recognizing the importance of staying relevant in terms of technology, account security and products, we have ensured we have the capital, infrastructure and technology know-how that will enable us to thrive, despite the current volatility of the economy and financial sector. Some of the products and technologies we offer that are designed to enhance value for our members include:

Checking account with no monthly fees and up to 10 ATM fee rebates per month1
Convenient and secure online technology, including a Virtual Branch where you can perform most transactions you could at a branch
Certificates with highly competitive rates
A wide array of loan options for auto, credit card, personal and home loans
A full suite of digital services

Today we are proud to serve our 43,000 plus members with the same commitment we started with in 1953 – to provide financial solutions to take care of our own. To open your membership today with one of our Virtual Branch team members visit us at virtualbranch.thepolicecu.org or stop by one of our five Bay area branches. There's never been a better time to become a member!

Federally insured by the National Credit Union Administration | Equal Housing Opportunity | NMLS ID# 409710

1 The Police Credit Union will refund ATM surcharges up to $3.00 per out of network ATM transaction. You must have a TPCU Checking Account in good standing and a Direct Deposit posted to your Checking monthly. ATM Access Only. Rebate qualifications subject to change without notice. **CRPA**

WHAT WILL YOUR LAST STAND BE?

LEGACY GIFTS, TRUSTS, WILLS, OR FIREARMS DONATIONS CAN ALL CONTRIBUTE TO THE FIGHT FOR FREEDOM

WHETHER YOU BELONG TO A CLUB OR GROUP THAT HAS THE MEANS TO CONTRIBUTE OR YOU HAVE MEANS YOURSELF, PLEASE CONSIDER A DONATION TO THE CALIFORNIA RIFLE & PISTOL ASSOCIATION FOUNDATION.

Please contact Development Director Maria Saglietto
For ways you can contribute msaglietto@crpa.org 714-707-2426

EVENTS & TRAINING

NOVEMBER

November 2nd, 2024
PERSONAL PROTECTION OUTSIDE THE HOME
Fullerton, Ca.

November 9th, 2024
SHOTGUN SHOOTING BASICS
Fullerton, Ca.

November 16th, 2024
CHIEF RANGE SAFETY OFFICER
Fullerton, Ca.

November 23rd, 2024
PERSONAL PROTECTION IN THE HOME
Fullerton, Ca.

DECEMBER

December 7th, 2024
RANGE SAFETY OFFICER
Fullerton, Ca.

December 14th, 2024
PERSONAL PROTECTION OUTSIDE THE HOME INSTRUCTOR
Fullerton, Ca.

LOCATION KEY

- NORTHERN CALIFORNIA
- SOUTHERN CALIFORNIA
- CENTRAL CALIFORNIA
- OUT OF STATE

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JANUARY

January 4th, 2025
CRPA PISTOL SHOOTING BASICS COURSE
Firearm Safety & Skills Proficiency
Fullerton, Ca.

January 11th, 2025
CRPA RIFLE SHOOTING BASICS
Firearm Safety & Skills Proficiency
Fullerton, Ca.

January 18th, 2025
CRPA SHOTGUN SHOOTING BASICS
Firearm Safety & Skills Proficiency
Fullerton, Ca.

January 25th, 2025
METALLIC CARTRIDGE RELOADING COURSE (2 DAY COURSE) CRPA SHOTGUN SHOOTING BASICS
Fullerton, Ca.

FEBRUARY

February 1st, 2025
CRPA RANGE SAFETY OFFICER BASICS
Fullerton, Ca.

February 8th, 2025
CRPA PISTOL SHOOTING BASICS COURSE
Firearm Safety & Skills Proficiency
Fullerton, Ca.

February 15th, 2025
CRPA RIFLE SHOOTING BASICS
Firearm Safety & Skills Proficiency
Fullerton, Ca.

February 22nd, 2025
CRPA SHOTGUN SHOOTING BASICS
Firearm Safety & Skills Proficiency
Fullerton, Ca.

CRPA MEMBERSHIP LEVELS & BENEFITS

***ALL NEW* CRPA members of every level receive these benefits:**
- Subscription to CRPA's *California Firing Line* magazine
- CRPA membership card with Know Your Rights notice
- CRPA decal or sticker
- Legislative & litigation updates and information bulletins
- Exclusive access to timely and informative webinars, podcasts and other resources

Upgraded members receive *additional* benefits as listed below. To sign up for membership, please visit crpa.org.

■ **Student 1-Year Membership:** $30 / Year

■ **1-Year General Membership:** $55 / Year

■ **5-Year General Membership:** $225 ($5 savings a year on annual membership)

■ **2A Sustaining Membership:** $17.91 / month

CRPA LIFE MEMBERSHIPS*
- Life Member Hat
- Life Member Velcro Patch
- CRPA Life Member Decal or Sticker
- Pocket Constitution
- CRPA Challenge Coin
- A copy of the current year edition of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel

***Active military and veterans get a 10% discount on all Annual, 5-Year, & Life Memberships. Use Code USVET at checkout.**

■ **Life Member:** $1000

■ **Senior Life Member (65 and older):** $550

ENHANCED LIFE MEMBERSHIPS
CRPA's Enhanced Life Members are 2A supporters, hunters and shooters committed to the CRPA's mission and success. In addition to ALL the above-listed member benefits, CRPA Enhanced Life Members also receive:

■ **Defender Life Member:** $1000 upgrade for CRPA Life Members
- CRPA Defender Life Member Hat
- CRPA Defender Life Member Lapel Pin
- CRPA Custom-Engraved Defender Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Defender Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

■ **Activist Life Member (Silver/Patron):** $1500 upgrade for CRPA Defender Life Members
- Activist Life Member Embroidered Patch
- Activist Life Member Outerwear / Jacket
- Activist Life Member Hat
- Activist Life Member Lapel Pin
- CRPA Custom Engraved Life Membership Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- Activist Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President

■ **Patriot Life Member (Gold/Benefactor):** $1500 upgrade for CRPA Activist Life Members
- Custom Engraved Pistol (For First 50 Members)
- CRPA Patriot Life Member Hat
- CRPA Patriot Life Member Lapel Pin
- CRPA Custom Engraved Life Member Buck Knife
- Annually updated copy of *California Gun Laws: A Guide to State and Federal Firearm Regulations* by CRPA's President and General Counsel Chuck Michel
- CRPA Patriot Life Member Challenge Coin
- Special Patriot Life Member Recognition Wall Plaque
- Patriot Life Member Certificate
- Invitations to Exclusive VIP Events, Briefings and Tours
- Personal Recognition from CRPA President
- Custom logo jacket

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Name
DOB
Street Address
City, County,State, Zip Code
Phone
Email Address

Membership Options	
☐ Student 1-Year Member	$30
☐ 1-Year Member	$55
☐ 5-Year Member	$225
☐ 2A Sustaining Member	$17.91/Month
☐ Life Member	$1000
*Veterans take 10% off Annual, 5-year, Life	
☐ Senior Life Member	$550
☐ Defender Life Member	$1000 + Life
☐ Activist Life Member	$1500 + Defender
☐ Patriot Life Member	$1500 + Activist

Check next to membership of choice

☐ **Auto-Renewal** **Total Due $**_____

Check #
Card #
EXP Date MM/YY CVC
Email Address

**25% of CRPA membership dues are used for lobbying and political activities.*

California Rifle & Pistol Association
271.E Imperial Highway, Suite #620, Fullerton, CA 92835
Phone: (714)922-2772 | Email: membership@crpa.org

VOLUNTEERS ARE CRPA'S MOST POWERFUL WEAPON!

CRPA is looking for men and women to join the fight for our rights as a CRPA volunteer or grassroots activist. You can feel good about being part of the solution, meet new friends, learn about guns and politics and get free CRPA swag! For more information, fill out and send in this volunteer form, on the left, email us at volunteer@crpa.org or call (714) 992–2772.

Because of CRPA's tremendous growth, and with the support of our members and like-minded organizations, CRPA is expanding its involvement in local campaigns and elections and sponsoring and participating in more events. CRPA has made a substantial investment in grassroots/volunteer coordinating, local election messaging technologies and added staff to manage volunteers and events.

CRPA Chapters and affiliated groups maintain their independence, but work with CRPA and get access to: (1) real-time legislative information from our legislative advocates in the Capital; (2) CRPA/NRA campaign finance and PAC lawyers; (3) CRPA/NRA firearms lawyers who answer questions, fight for local FFLs and ranges in your area, oppose local gun control ordinances and file lawsuits; and (4) regular communication among coalition partners and other local groups to learn from each other and build a stronger network of activists. CRPA needs volunteers to work as Chapter Leaders; Government Liaisons (i.e., candidate development and local issues and ordinances coverage); Retail/Ranges Liaisons; Volunteers and Events Liaisons; and CCW Liaisons, among other things.

CRPA invites individuals as well as local 2A groups, clubs, ranges and FFLs to be a part of the effort in your county. Join us! Volunteer for CRPA!

CRPA VOLUNTEER APPLICATION

First Name	Middle Initial
Last Name	
Street Address	
City, County,State, Zip Code	
Cell Phone	
Email Address	
Date	

Check your areas of interest. This is not an exclusive list. You can always change your mind.

Join a CRPA Chapter

Visit Local Businesses to Promote Affiliate Program

Work on Political Campaigns or Elections

Assist with Youth/Women's Events / RSO

Assist with Training Events / RSO

Assist with Hunting Events

Be a CRPA Membership Recruiter

Liaison with Local Authorities and Council Members

Teach Firearm Safety and Proficiency

Promote CRPA/PRO-2A Messaging/ PR Campaigns

Other:

THANK YOU!

Return to the **California Rifle & Pistol Association**
Attn: Volunteers Program
271.E Imperial Highway, Suite #620, Fullerton, CA 92835
Phone: (714)992-2772 | Email: membership@crpa.org

BY PAUL TROUETTE | MENDOCINO COUNTY BLACK TAIL ASSOCIATION

COURTESY WESTERN OUTDOOR NEWS

THE DEER FACTORY

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

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Anybody worth their salt in modern-day deer management circles would concede that the term "Deer factory" is a bygone term for the northern remote mountains of California, called the B-Zones. In days of old these areas used to produce a robust harvest of Columbian Blacktail.

Bucks in Mendocino County alone in 1954, it is recorded, an astounding estimated 5,232 bucks were harvested. In 2016, 6,573 bucks total in all the 6 B-Zones combined. Most would say with sadness today "We remember the old days when we took our families to the winter ranges to see the 'Big Old Bucks' who made it through the season." Today, few bucks are seen. The shear greater numbers of deer we would see have vanished largely in our public lands.

We reflect on the works and the cherished names of renown past deer biologists, Dale R. McCullough, Richard D. Taber, Raymond F. Dasmann, William Longhurst and A. Starker Leopold. Reading like a hall of fame roster for me, these authors created for us the most comprehensive, yet readable and detailed analysis of Black Tailed Deer management ever written.

I fear we have moved as a culture away from the simplicity and the proven model of management for the majestic blacktail deer. To a substandard political model, which has destroyed this resource in less than 40 years.

Perhaps, the truthful answer to the problem is "we the people" of the State of California have just lost the desire or passion for these creatures. Or Perhaps, we don't care anymore, or have been worn out by the machine of the complicated management practices of the new age.

Shakespeare, once penned, "what a country chooses to save, is what a country chooses to say about itself." We must ask ourselves this question? Are these creatures worth saving? I believe the answer is, yes. It certainly was for The Mendocino County Black Tail Association. Which is why we have fought long and hard for the name Black Tail.

So, to dive right in we say, "Where are all the deer?" In days gone by, deer were more relevant to the culture, and I mean the culture of the general population of Californians. They hunted, and they loved deer. What about the culture of the modern wildlife managers in 2018? Are deer important to you? We don't have

CRPA Foundation Fundraising Auction

Support Your Second Amendment Rights!

9 am, Saturday, 16 NOVEMBER 2024, Live Online Attendance via Video Streaming

California Rifle & Pistol Association Foundation Auction Agenda

9 am	AUCTIONEER	10 am	AUCTIONEER	11 am	AUCTIONEER	12 noon
CRPAF Welcome		"Gun Talk" Celebrities		Celebrity gun song and talk		Gun personalities and auctioneer wrap up

ITEM 1 VIVA LAS VEGAS TRIP

Flights for two to Las Vegas with three nights at the fabulous Trump International Hotel and a trip to the gun range, with an approximate value of $3000.

ITEM 2 FISHING CHARTER TRIP

A custom two day fishing charter adventure for two, including flights and accommodation with an approximate value of $7000. More details at **down2fishflorida.com.**

ITEMS SEE ALL AUCTION ITEMS ON CRPAAUCTION.COM

YOUR GENEROUS DONATIONS to our fundraising charity auction may be eligible for a tax deduction, allowing you to support the CRPA Foundation while also benefiting from potential tax savings. The CRPA Foundation is a 501(c)(3) corporation, and contributions are tax-deductible to the full extent permitted by the law. The Tax ID Number is 73-1719822. All money raised from the auction supports shooting sports and the 2nd amendment.

crpaauction.com **DONATE** **REGISTER** 725-291-8055

a deer plan yet for the deer? The last plan was 1978-83.

In 2008, I was contacted by DFW wildlife program manager Craig Stowers. Craig asked me where I would consider it a good area, to conduct a good deer study, to find out what limiting factors could be suspect for the continued decline of blacktail deer in Mendocino County. I said to Craig, whom I consider one of the last premier Mohicans of Deer authorities, "Why don't we study the Mendocino National Forest?" It was suggested by scientists that Hopland Research Station should be considered. I said, "The forest would be a better study, that way we can provide the public with a real time analysis of what is going on in public lands, not a private site."

Thus, the Mendocino Deer Study was born. When all the smoke cleared from the study, we determined many interesting things in the environment of the Mendocino National Forest. I say, the environment of the Forest, because all deer management begins and ends with the exact eco system you are studying! What does that mean? It means you can't say there are no deer in one area and make that absolute statement about the whole state, when you haven't studied the whole state.

In a nutshell, without citing the numerous yet thorough 62 pages of the scientific analysis in whole, in the Mendocino National Forest study performed, we have a handful of reasons the deer have all but disappeared in comparison to the 1970's. I quote several key statements from paragraphs from the study.

"Our results show that deer in the Mendocino National Forest are currently declining in abundance.

We found evidence that the decline is caused by high mortalities due to predation in all age classes."

"Predation was the primary cause of fawn mortality, and black bear predation was the largest single source of mortality. Mountain lion predation was the primary cause of mortality of adult females equal to or greater than 1 year old."

Deer with larger amounts of forage within their identified home ranges were less likely to die of any cause, including predation."

It really boils down to this. Deer are not as important or culturally relevant to most government managers above the worker bee pay grade. We all know why deer are gone. They can't eat fir trees, they don't eat noxious weeds, predators are given carte blanche access to them, logging is gone, fire suppression is very popular now in drought conditions, and the harvest success rate for the California hunter is 15.6%. The Mendocino Study proved everything we savvy conservation NGO's have been saying all along and we spent close to a million dollars to prove to ourselves we were right.

A decadent old growth habitat will kill all the early successional wildlife off given enough time. Unfettered predation is tantamount to the death sentence for deer. The lack of true wildlife management in our lands, is like going to the local Safeway store, buying a 40-year-old box of cornflakes, filling our stomachs, and dying at the same time of malnutrition. And then we exit the store (feeding grounds) to be robbed and killed by a predator in the parking lot. (outside the feeding grounds).

In the study, we determined that the available food quality for the deer in our public lands is old and non-nutritious in whole. Deer are in search daily for palatable nutritious food of which is in serious short supply. In their efforts to feed themselves they move about their home ranges and beyond, so they are discovered more easily moving about by high densities of predators, thus our decline. Managing this problem is our challenge with federal and state regulatory agencies. The answer? Like always, is the sensible honest approach to the problem. Good science, coupled with common sense management, for the benefit of the public who pay for it. Which is why the California Rifle and pistol organization fights to promote these very things.

Our many thanks to Rick Travis and staff for their tireless efforts. **CRPA**

Sincerely,
Paul Trouette
President
Mendocino County Black Tail Association

CRPA.ORG

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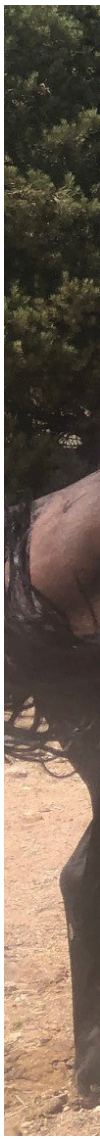
PRADO AND CRPA SUPPORTING THE NEXT GENERATION

BY ERICK ELLIOTT, ADVANCED HUNTER EDUCATION COORDINATOR

OFFICIAL MAGAZINE OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION

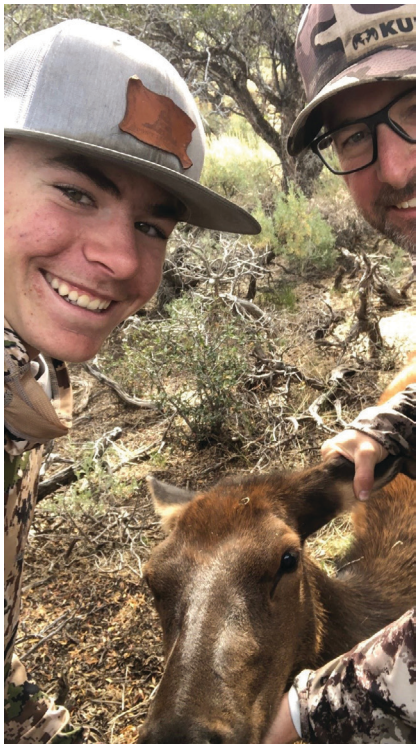
HAVE YOU EVER BEEN ASKED, "SO WHY DO YOU HUNT?"



It's such a great question isn't it! I challenge you all to thoughtfully answer this question. By using a hunt from this past week, I am attempting, in part, to answer this question.

Our family drew some super archery elk tags this year. These tags weren't trophy bull tags. No, these tags were even better! These were cow tags in an area where we cut our teeth hunting elk. My wife, and two of my sons harvested their first elk up there and it's where I learned to hunt elk with my bow. The area is chocked full of family memories…both good and challenging. It's at this elk camp, where a 10-year-old son of mine engraved in an aspen tree, "elk dawn" after his mama harvested her first elk. Yes, I know that "dawn" is a typo as it's meant to read "down."

What can I say, we homeschool. Do you have some special places on this earth that are so jam packed full of memories that when you return there, your memory bank starts to overflow? This wilderness is such a place for us. As I rode the familiar trails, and even saw the old elk bones (from past harvests), my memories exploded. My cup overflowed as I remembered the past and rejoiced over the blessings that we have received. One of the reasons we hunt is that it has a way of creating lasting and precious memories with the people you love. All



the while, you are creating those memories in glorious and wild country.

On day 4, as we were picking our way through a think aspen patch, my 14-year-old son, Jasper, put his hand up signaling me to stop…he whispered, "get ready." I drew back and took a quick shot at an elk through a very small shooting window. The woods exploded with elk and we both knew our elk was hit but did not precisely know where it was hit. As we began our search, we were incredibly dejected to not find any elk or even any blood. We split up and started grid searching the area. Jasper later exclaimed, "I've got blood."

We tracked the blood trail a quarter of a mile and it became very apparent that I did not make a good shot. I had rushed the shot…I did what I teach others not to do. Sickening and humbling. We picked at the blood trail for over a half mile…for over 4 hours. We were often on our hands and knees looking for and rejoicing over finding even a droplet of blood, which allowed us to establish the elk's trajectory. Then the trail went completely cold, and we couldn't pick it up again.

I told Jasper "It's going to take a miracle to find this elk." We prayed and we kept on searching. I searched an area upslope where I would have never guessed a wounded elk would travel. About 200 yards from the last blood, I found blood. To our amazement, we continued to track the elk's tracks upslope and I told Jasper, I smell elk. We split up again to cover more area and I later heard Jasper's words, which still bring a smile to my face even as I write this.

He exclaimed, "I've got your elk!" We hugged, we rejoiced, and we thanked God for this "miracle elk." I told my son that had he not

been with me, I would not have recovered this elk. I would not trade this "miracle elk" experience for anything. It grew our faith, and our relationship with each other. It is glaringly apparent that he loves his dad and I love him. I think that this unexpected and very humbling hunt was even better than anything I could have planned.

Which brings me back to the beginning…why do we hunt? We hunt because it helps to establish deep bonds and build relationships, while experiencing some very challenging things.

Jasper and I brought the elk to the trailhead and we filled our coolers with prime meat. This meat will be used to fuel our family's bodies and used to share fantastic meals with friends for the coming year…yet another reason we hunt.

The story doesn't end there. I took the attached picture of Jasper as he was heading back to elk camp after already spending 7 days there. The purpose of his voluntary return? Jasper was heading back solo with the intention of helping his 19-year-old brother fill his elk tag. Wait, you say. Are you saying you let your 14-year-old son head in the wilderness with two horses alone. This may not be every parent's choice, but I've hunted with him for years and I've seen him grow from a fidgety and scared boy to become a responsible and fearless young man, who has a big heart that loves people and

elk country. That, my friends, is another reason we hunt. Hunting helps build character, determination, and a passion for wild places. On the way home, I listened to this song and it brought thankful tears to my eyes.

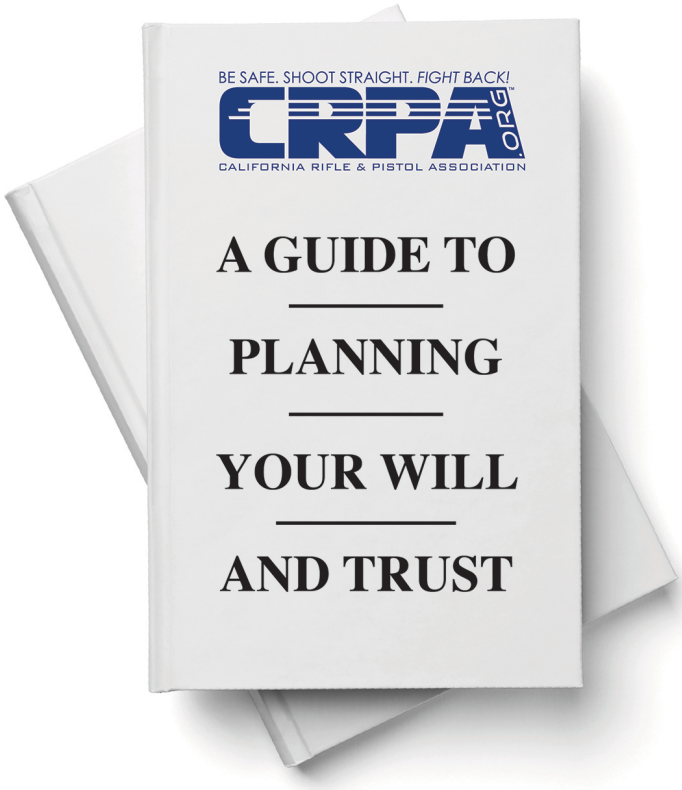
https://www.youtube.com/watch?v=imq8641PBSQ

I remember those first hunts with him and I am so thankful that he has grown from a boy to the young man he has become. It makes me so glad I'm not hunting by myself.

I am so incredibly thankful for the privilege we have as Americans to hunt! Beloved Hunter Education Instructor, thank you for keeping the hunting tradition alive. We need you. We are thankful for you.

Epilogue: Two days after I left elk camp, my wife's phone buzzed with a satellite text from our boys, it read, "elk down." But that's a story for another time… so fun!

CRPA



YOUR GIVING AFFORDS US TO FUND ESSENTIAL PROGRAMS

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Download our estate planning guide at crpa.org/crpa-foundation

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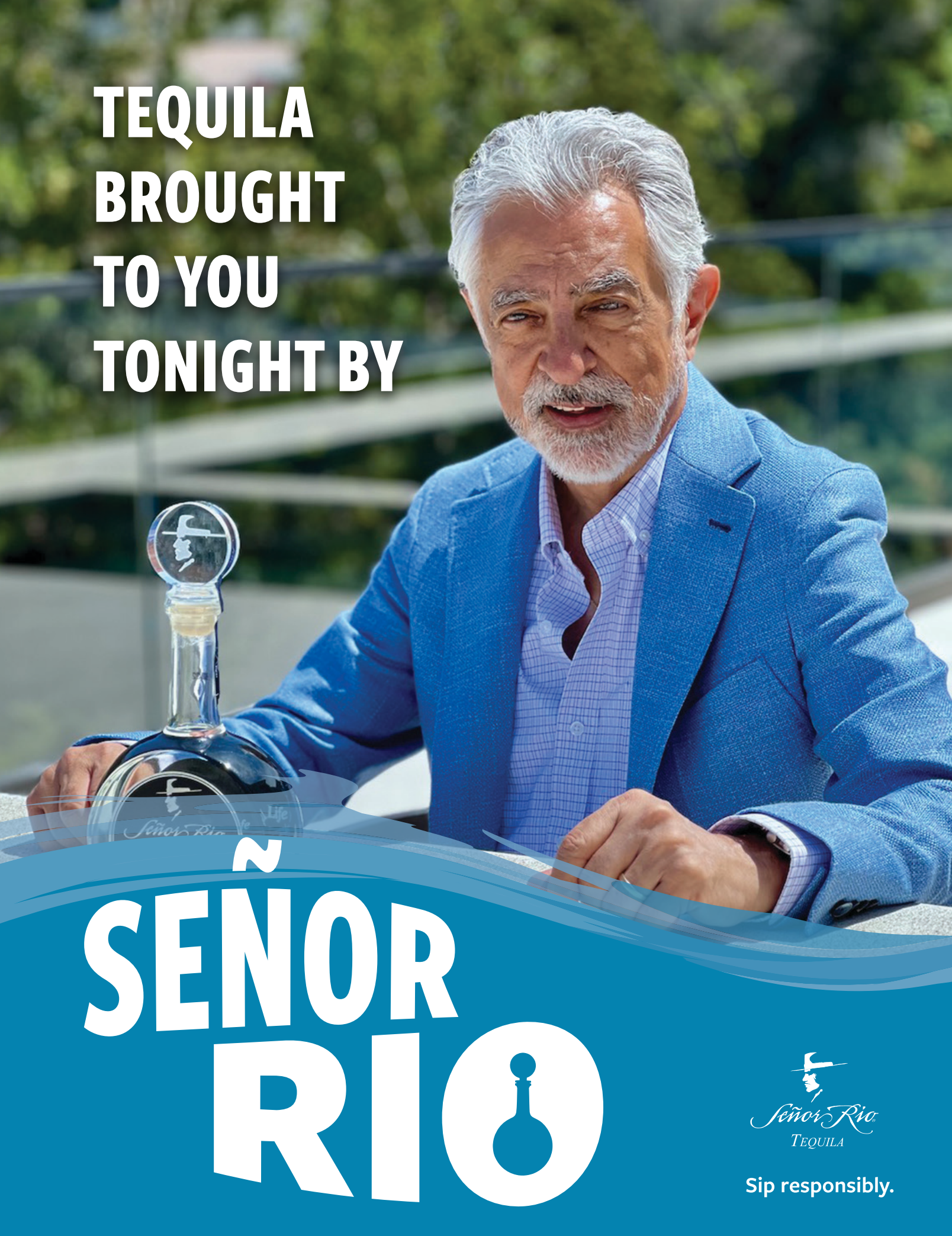
ROUTE 66 SHOOTING SPORTS PARK

LOOK OUT FOR THE NEXT RANGE EXPO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