

# THE FIRING LINE

The Newsletter of the Nevada Firearms Coalition

March - April 2016

George Glendenning, Editor



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## Through the Spotting Scope

### NVFAC President's Report



The Nevada Firearms Coalition has come a long way since its founding in late 2011. We've accomplished some amazing legislative successes and victories. The fight continues to make sure our rights aren't being taken away and it is continuous. For all NVFAC members who have donated time and treasure to make this all happen, thank you very much.

Besides legislative successes, we have been busy securing grants for our operations. We are actively involved in social media and have three web pages (NVFAC, NVFAC PAC and Nevadans for State Gun Rights PAC). Those are backed up by three Face Book pages and two twitter accounts. We have also started a NVFAC Foundation. This is a charitable, tax deductible foundation that will support our Education, Training,

Conservation and Competition activities. We recently added two more board positions, Fund Raising/Development Director and Membership Director.

On April 23, 2016 we hosted our first annual Patriot's day "Celebrate the Second Amendment" banquet. Thanks to Ryan Werner and his family for the excellent celebration. You'll see a couple of pictures of the event in this edition.

Yes, we are growing and sometime soon you'll be seeing NV 2A license plates, whose funds will go into the foundation. In the meantime, we are fighting Bloomberg and his out of state money and his in state political machine. If you want to keep up on what is going on with this fight, visit our NSGR web page and our FB page for the Nevadans for State Gun Rights.

The (Continued on Page 2 - President)

**BLOOMBERG CAN KISS MY BRASS**  
**Vote No On 1**

**NFSGR.ORG** |

PAID FOR AND AUTHORIZED BY NEVADANS FOR STATE GUN RIGHTS  
140 WASHINGTON ST, #150, RENO, NV 89503

*Dedicated to the ownership and safe use of firearms  
for self defense, competition, recreation and hunting.*

(President - Continued from Page 1) success of organizations rests on the shoulders of our volunteers. We are a 100% volunteer organization and we need your help. Please contact your local area Directors to volunteer your time. Also as gun owners, it is your responsibility to vote to protect our rights. This next election will determine if Nevada stays a free state or

joins the long list of states which are now becoming socialist. VOTE, VOLUNTEER AND HELP. Let's all say loud and clear,

"BLOOMBERG CAN KISS OUR BRASS!"

**For Freedom  
Don Turner, President**



*First Annual Patriot's  
Day "Celebrate The Second  
Amendment" Banquet*



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## NVFAC Legislative Affairs Division Report

The Secretary of State has released the numbers of the public initiatives that will be on the ballot in November. When you vote for President this year, you will also have the opportunity to vote for or against ballot initiative No. 1, the so-called Bloomberg Universal Background Check initiative. I am confident all NVFAC members, as well as right-thinking citizens, will vote "NO" on No. 1! In addition, please encourage your family, friends and like-minded citizens to do the same.

NVFAC is at work as we speak preparing advertisements and action to help defeat Michael Bloomberg's attempt to impose his pet gun control initiative of Nevada's citizens. Make sure you are signed up to receive e-mail alerts and tweets to stay informed

on efforts to defeat the initiative. Please forward these communications far and wide in the Silver State!

We are also gearing up for the general election. NVFAC does not endorse candidates in primary elections, but we are preparing a candidate survey regarding issues important to our membership, the results of which will be available before the general election on Tuesday, November 8<sup>th</sup>. If you have issues you would like considered for the candidate survey, please contact me at [randy@nvfac.org](mailto:randy@nvfac.org).

Thank you for your support! We cannot be successful without you!

**Yours In Liberty**  
**Duncan Rand Mackie,**  
**Vice-Pres. NVFAC Legislative Division**

## Locked and Loaded Locked and Loaded Locked and Loaded

### Conventional Pistol Competition

Many individuals become interested in pistol competition. However, unless they start off with the proper information, they find it difficult. The cost of equipment is generally a stumbling block. Many feel that unless they have the best of everything they cannot compete. This is not true. Most start with a minimum investment of a .22 caliber rimfire pistol (autoloader or revolver), spotting scope and stand.

Pistol competitions may be fired outdoors or indoors. The course of fire is basically the same, but the distances are different.

#### Equipment

Section 3 of the NRA Pistol Rule Book defines authorized equipment and ammunition. This section is not meant to restrict equipment but to define limitations.

Pistol - autoloader or revolver? Up until about 30 years ago the revolver was the one to use. Some competitors still use a revolver, but the autoloader is now used almost exclusively. Autoloaders have been developed that are capable of top-notch accuracy. An autoloader will provide an advantage when firing timed fire (5 shots in 20 seconds) and rapid fire (5 shots in 10

seconds) courses.

It should be noted that the standard course of fire is a "3-gun aggregate." This is fired with .22 caliber rimfire, centerfire, and 45 caliber pistols. However, it is not necessary that you have 3 different guns. In most tournaments you may enter and fire only one or more stages of the aggregate. Many competitors entering complete aggregate only own a .22 and .45 caliber pistol since the .45 caliber may be used for the centerfire stage.

Spotting Scopes - A spotting scope will let you see your shots on your target and make sight corrections. Scopes need a stand for support or some means to mount on a gun box if used. They come in various price ranges and, as with all optics, you get what you pay for. Good resolution is important as you will need to see a .22 caliber hole on a target at 50 yards if you fire outdoors. 20X to 30X is most common.

#### Ammunition

Not much can be said about ammunition. Obviously, you will need the proper ammunition for the pistol you'll use. Match grade ammunition is available commercially and

(Continued on Page 4 - Locked)

more than “regular.” This is manufactured under high standards and is more accurate for competitive shooting. Many competitors hand-load their own ammunition (except .22 rimfire). This is not only cost effective but allows for loads to be “customized” for a particular gun. In many cases, hand-loaded ammunition is more accurate than commercially produced match grade ammunition. If you use the hand-load route, be sure to follow all safety precautions.

## Accessories

Some of the most common and useful accessories include:

**Sights:** All target pistols come with an adjustable rear sight. This is a must. However, various brands of adjustable sights are available, some better made than others. Experience will tell which one is better for you.

Optical and electronic sights are available and currently allowed in NRA Conventional Pistol competition. Those sights which project an image upon the target (laser) are not permitted. These sights are a help to the shooter whose eyesight is “not what it used to be.” They are not recommended for the new shooter who is still mastering the fundamentals of sight alignment, which is absolutely necessary for a champion shooter.

**Grips:** All pistols come with grips. Unfortunately, these are made for a standard size hand. Since no two people are identical, it is unlikely that the grips from the factory will fit properly. Custom grips are available as accessories and will vary in cost depending on if you want true custom grips (made exclusively for you) or off-the-shelf.

**Shooting Box or Kit:** Some means is necessary to transport your pistol and accessories to and from the range. This can be as elaborate as a large box which holds everything to a simple cloth or leather case. The

choice will depend on the type and amount of shooting you do. The box can be used for storage at home.

## Targets

Rule 18.15(e) in the NRA Conventional Pistol Rule Book states in part, “it is the competitor’s responsibility to frame the correct target for the specific match and distance.” As a new pistol competitor, you need to be familiar with what the proper targets are. NRA official targets are described in Section 4 in the Pistol Rule Book. Section 7 will give you the targets required for various courses fired.

## Courses of Fire

NRA conventional pistol competition consists of firing slow, timed, and rapid fire. This is done at 50 and 25 yards outdoors and almost exclusively at 50 feet indoors. Generally an outdoor match will consist of 20 shots, slow fire at 50 yards (two 10-shot strings, 10 minutes per string), 20 shots, timed fire at 25 yards (four 5-shot strings, 20 seconds per string), 20 shots, rapid fire at 25 yards (four 5-shot strings, 10 seconds per string), and the National Match Course (10-shots slow fire at 50 yards, 10-shots timed fire (two 5-shot strings), and 10-shot strings (two 5-shot strings). This match consists of 90 shots for a possible aggregate total of 900 points. For a 2700 aggregate this match is fired once with each gun: .22 caliber rimfire, center fire, and .45 caliber. Many match programs call for only one or two guns, and that is a 900 or 1800 aggregate. Most indoor tournaments are fired with .22 caliber rimfire only for a 900 aggregate. However, some indoor matches use all guns for a complete 2700 aggregate.

For additional information, please call the NRA Pistol Dept. at (703) 267 1451.

**David Gates, Director**  
**NVFAC Competitions Division**

## At the Pro Shop At the Pro Shop At the Pro Shop

## Regulation Or Innovation

### Two Different Perspectives For Solving Firearms Accidents And Promoting Safety

**D**uring the last days of Nevada’s 2013 legislative session, an intense political battle was waged between the well-funded Mayors Against Illegal Guns (MAIG) and citizen gun owners of Nevada.

Senate Bill 221 proposed by Senator Justin Jones was supported by New York City Mayor Bloomberg who sent 11 lobbyists, including two New York City employees to Carson (Continued on Page 5 - Pro Shop)

(Pro Shop - Continued from Page 4) City. SB 221 was a gun control wrapped up in a mental health bill. Although this was a major effort by MAIG, only two Nevada Mayors are members of his organization, Mayor Robert Crowell of Carson City and Mayor Carolyn Goodman of Las Vegas.

The bill was opposed by gun owners, civil libertarians, tea party members and the Nevada Sheriff's and Chief's Association and was subsequently vetoed by Governor Sandoval. While the bill was waiting the governor's action, his staff established a public opinion poll. The people asking for a veto outnumbered the calls for passage by a margin of 5 to one. Since that time, Bloomberg has successfully paid for his ballot initiative, which is the exact same bill vetoed by the Governor, to be on the Nevada 2016 ballot. Their expressed desire is to gradually obtain a national gun registry.

MAIG's Statement of Principles states that 30,000 Americans are killed each year as a result of gun violence. Their seven principles are based on punishing criminals, increasing enforcement and developing more regulations and restrictions on private firearms use and ownership.

There is an old saying that "if your only tool is a hammer, all your problems look like nails." The United States Conference of Mayors at its annual June meeting in Las Vegas had a press release that indicated they were looking for ways to regulate firearms, thus continuing with the "hammer" perspective of regulations being the solutions to their problems. In response, the Nevada Firearms Coalition (a statewide firearm owner's coalition) urged the Mayors to look at innovative solutions rather than regulations.

Nevada's Hunter Education Program administered by the Nevada Department of Wildlife is an example of public-private relationships that provide a model for success. Tracing its beginnings back to 1928 when an employee of the Pennsylvania game agency developed a code of ethics for the Izaak Walton League of America, this code marked the beginning of ideas about hunting safety. By the 1940's, Kentucky was offering gun safety training in their high school junior cubs and in boys and girls summer camps. In 1947, a partnership between

New York State and the National Rifle Association developed their states' curriculum.

These various state programs eventually evolved into the International Hunter Education Association that now serves 69 agencies and has over 70,000 volunteer instructors around the world. A recent study by NSSF revealed that hunting accidents decreased significantly over time where now hunting has an injury rate of 0.05 percent, a safety level bettered only by camping (0.01 percent) and billiards (0.02 percent). Hunting is safer than football, baseball tennis, golf or swimming.

The Nevada Firearms Coalition has written to Mayors Crowell and Goodman to request that they consider the concept of following the successful innovations of the hunter safety programs that significantly reduced firearms accidents in the field, and put that concept to work in the cities to reduce firearms accidents. As



mayors oversee city programs and properties, there are resources of their Parks & Recreation Departments and training space as provided in their community centers that could be readily be used for firearms safety awareness programs at very little cost. The Nevada Firearms Coalition offered to assist the mayors in the pursuit

of firearms safety.

There is an opportunity to abandon the "hammer" of regulation, and move forward with proven programs of safety education. The choice is theirs and their decision will show the citizens of the State of Nevada whether they are sincere about reducing firearms accidents, or will continue to view their citizens as "nails." We look forward to their response.

So far there has been no response to our offer. We therefore conclude that the aim of Mayor Bloomberg and his groups Mayors Against Illegal Guns, Everytown for Gun Safety, Moms Demanding Action Now, and The Trace are only dedicated to gun regulation and ultimate confiscation, NOT gun safety.

**Don Turner, President &  
Nathan Jones, Director  
NVFAC Range & Retail Division**

# In the Classroom In the Classroom In the Classroom

## Marksmanship and Safety

Continuing our discussion on safety, we want to discuss how marksmanship can play a further role in safety on the range and dynamic training.

In order to advance the level of reality, stress, confidence and perhaps ability, firearms training has to progress beyond a square range mentality. This may involve shooting while moving, shooting at moving targets, and shooting near other shooters that may be ahead or behind what would traditionally be called the firing line. The last situation is what we will be discussing in detail in this article.

There is a lot of controversy over training methods that place students downrange during active, live-fire scenarios.

Many words that come up when discussing this type of training are: high-level, advanced, high-intensity, stress inoculation, reality-based, force-on-force, team mentality, trust and “acceptable risks”.

We are a fan of most of the above, but not the last one. We believe that with prior planning, proper safety precautions and stringent training rituals, the term “acceptable risks” should not be in the training dialogue. However, we believe that there are many alternatives to live-fire, such as the use of simunitions, airsoft or the MILES system. These are widely accepted as safe practices and accomplish the same level of proficiency in training.

To sum up marksmanship as a point of firearms safety, we are going to once again refer to The Universal Firearms Safety Rules and see how many of these basic rules get violated when you let arrogance, ignorance or “acceptable risk” enter the downrange picture.

1. Treat all firearms with respect and always handle as if they were loaded.
2. Never let the muzzle cover anything you are not willing to shoot.
3. Keep your finger off of the trigger and outside of the trigger guard until you are ready to shoot.
4. Know your target and what is in line with it and behind it.

and leading into our next article on Considerations when choosing what type of instruction or instructor is right for your needs.

Before moving into more dynamic training, we want to again stress how all training should be evaluated, we again need to take a look at the “3 S’s”.

- Is it Safe? (If the training puts an instant pit in your stomach and makes you cringe, is there another way to accomplish the same results?)
- Is it Simple? (Is the technique easy to learn and able to be mastered, or overwhelmingly difficult and complex?)
- Is it Street Proven? (Does a reputable firearms training facility or law enforcement academy utilize this technique? Or does it seem like the Instructor made it up on the fly?)

Remember, “Safety is an Attitude, and Attitude is Everything.”

**Eric Loden, Director**

**NVFAC Education & Training Division**

# Beyond the Backstop Beyond the Backstop Beyond the

## Centerfire Cartridge Ban

The Nevada Wildlife Commission has a proposal to ban centerfire hunting cartridges. This proposal is not based on any situations or facts. We disagree with their proposal and ask you our members to forward the following letter to your local CABs (County Advisory Boards) and to attend your

local CAB meeting to voice your opposition to this unnecessary regulation. Thank you for your support.”

**Julius Fortuna, Director**

**NVFAC Conservation Division**

**See the letter on the following 2 pages!**



# NEVADA FIREARMS COALITION

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April 18, 216

Mr. Jeremy Drew, Chairman  
Nevada Wildlife Commission  
6980 Sierra Pkwy # 120  
Reno, Nevada 89511

RE: Proposed Cartridge Length Restrictions, proposed general regulation 458.

Dear Mr. Drew,

On March 24, 2016, the Board of Wildlife Commissioners (Commission) conducted a "regulation workshop" in Yerington NV regarding Agenda item 20 C "Commission General Regulation 458, Electronic Rifle Triggers, Caliber and Cartridge Length and Smokeless Powder Restrictions." This regulation, as proposed, would make it unlawful to hunt a big game mammal with a rifle using a centerfire cartridge of caliber .46 or larger or an overall cartridge length of 3.8 inches or longer. This letter is our input to the proposed regulation.

The Nevada State Legislature granted the Commission the authority to promulgate regulations: *NRS 501.105 Commission to establish policies and regulations. The Commission shall establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat.*

Within this authority there are three primary reasons to enact regulations regarding the "preservation, protection, management and restoration of wildlife and its habitat."

First, a proposed regulation must be based on scientifically documented data that justifies that the new regulation will improve wildlife and or its habitat.

Second, a proposed regulation must be based on scientifically documented data that justifies that the new regulation will prevent a negative effect on wildlife or its habitat.

Third, a proposed regulation must be based on documented facts that justifies that the new regulation protects public health or safety.

We object to the proposed regulation limiting centerfire cartridges by prohibiting .46 or larger caliber or cartridge length of 3.8 inches or longer. The information presented to justify this regulation does not meet any of the three criteria presented above. The justification does not show

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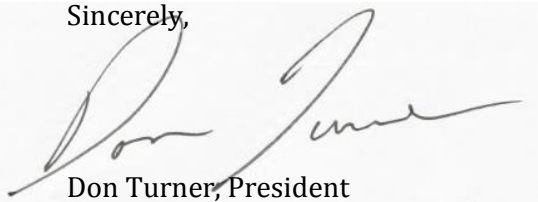
**DEDICATED TO THE OWNERSHIP & SAFE USE OF FIREARMS FOR SELF-DEFENSE,  
COMPETITION, RECREATION & HUNTING**

improvement of the harvest of big game mammals. It does not show any documented cases regarding negative issues regarding the harvest of big game mammals, and there was no documentation that it is a factor of public health or safety.

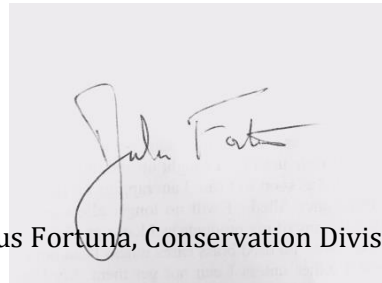
The Department along with the Association of State Wildlife Agencies has been concerned for years and has paid for many studies to determine why the number of hunters is declining, and ways to reverse this trend. As the number of hunting regulations increases each year while the number of hunters is declining, it doesn't take a scientific study to realize that the hunters don't want nor need more rules that discourage participation in the sport. This is especially true of regulations that are not grounded in scientific or documented fact, but upon "perceptions." This makes your rules not enacted for the betterment of wildlife or habitat or for public safety, but upon arbitrary restrictions that are not under the authority granted by the State Legislature. If you could provide documented facts that prove calibers greater than .46 caliber or cartridges longer than 3.8 inches has negatively impacted wildlife populations, or endangered the public safety, we would be more than happy to revisit our position.

However, lacking any documentation, scientific or otherwise that this caliber restriction will have any effect whatsoever on wildlife management or public safety, the Nevada Firearms Coalition opposes this proposed rule and respectfully recommends that this proposed rule be eliminated for lack of scientific studies or documentation.

Sincerely,



Don Turner, President



Julius Fortuna, Conservation Division Director

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation and hunting. We are the statewide Nevada grassroots organization representing the firearms owners of Nevada. Our membership includes individuals, gun clubs, community organizations, and retail firearm corporations and ranges. We are the State Association for the National Rifle Association, and a member of the National Shooting Sports Foundation, USA Shooting and the Civilian Marksman Program.

# Around the Range Around the Range Around the Range

## Membership Division Report

One of the most vital ingredients in a group like ours is getting active volunteers that will show up for events and help educate others and promote the Coalition. We have been struggling to man booths at gun shows and to get people involved. In an effort not to burn out the volunteers that have been stepping up for these events, we must get more members willing to help. In an ideal situation, we would only be asking each volunteer for a couple hours maybe once a month, but to do this we need more people to help. In the Las Vegas area, we have a gun show about once a month and we need to have a booth at each of these shows to educate about the UBC and the Coalition. In recent history it's been the same group of people doing each show.

We've had a great deal of success adding members and spreading the word to vote NO on Question #1. As we get closer to election time, we will have more events and need even more people to be a part of this. Please contact me directly if you're able to help out. I also encourage you all to be recruiters and ask your friends and family to become NVFAC members. We have already done a small training session once for those manning the booths and we can always do more of these. If you don't feel you have the knowledge to work at the booth, we can help educate you. Thanks!

**Earl Loewen, Director**  
**NVFAC Membership Division**

# Around the State Around the State Around the State

## Southern Division Report

“There are two things that are important in politics. The first is money and I can't remember what the second one is.” Mark

Hanna

“The best way to find yourself is to lose yourself in the service of others.” Gandhi

As gun owners, we all have the desire to loosen ridiculous gun laws and restrictions while securing our Second Amendment's future for generations to come. This comes from our reverence of freedom and our appreciation for the United States Constitution. However, money makes the world go around and that includes politics.

One of our biggest goals is to increase our membership and the more members we have the more effective we become. We want to have a legal team in place to fight open carry restrictions and other infringements on our rights. When the

Bloomberg Background check signatures were submitted to the Secretary of State, we were unable to challenge it due to a lack of legal muscle. We need more members!

The fact is the more members we have the more resources and power we have. The Arizona State Rifle and Pistol Association has over 11,000 members! With those kinds of numbers in Nevada, we can challenge open carry restrictions and other infringements more effectively. If you want to help it is easy. Volunteer for a gun show and represent the NVFAC! By helping recruit new members, you are taking proactive steps to increase our membership and strengthen our ability to defend the 2<sup>nd</sup> Amendment in Nevada. Every time you help out during a gun show, you are directly participating in advancing gun rights in Nevada. Even though you might not feel you're making a difference, YOU ARE! \

If you're interested in volunteering please let me know at [matt@nvfac.org](mailto:matt@nvfac.org).

**Matt Hennager, Director**  
**NVFAC Southern Division**

## Northwest Division Report

Since the successful legislative session we had in Nevada this past year, we continue to see success in other quarters of the Nation. For example, Texas passed campus carry and open carry. West Virginia adopted constitutional carry and our good neighbor to the North, Idaho, also passed constitutional carry. On

the negative side we see the huge loss of Justice Scalia to the US Supreme Court and the president trying to replace him with a staunchly anti- rights justice. We also hear one major presidential candidate calling for Australian style firearm confiscation and open season for lawsuits against firearm manufacturers. So we have a real mixed bag, as (Continued on Page 10 - State)

(State - Continued from Page 9) our rights in many places are under attack and at the same time in other places, they are advanced and restored. It is now time to put aside our euphoria over the successes we have had and face the battle in Nevada where outsiders with a lot of money try to convince us to vote to extinguish our rights.

Here in Northern Nevada the fight will be intense. We can expect a continued campaign of lies and emotional appeals. I am already seeing the bumper stickers calling for "Universal Background Checks". We all know these are code words for gun registration with the follow up of confiscation. We hear this daily talked about at the federal level by our current president

and his planned successor. We must remain vigilant and at every opportunity correct the lies and misconceptions being pushed on us, using millions of dollars from gun banners in New York. I look to all our members in the Northwest to help educate our friends, both those gun owners and those who are not. It will be our efforts that keep the public informed and aware of the real issues at stake in spite of the money spent on propaganda from those who seek citizen disarmament.

Please join with me and dedicate yourself at every opportunity to clarify what is at risk. To help even more, contact me at [john@nvfac.org](mailto:john@nvfac.org).

**John Jorgensen, Director**  
**NVFAC Northwest Division**

## Northeast Division Report

It been a busy start to springtime as NVFAC representatives have attended shows in Las Vegas, Elko, Reno and others to build membership and get out the word on the Universal Background Check (UBC) ballot initiative. NVFAC has put together some good handouts to explain the problems the law would create. We know that restrictions on routine transfers by sale or gift between family members and friends will do nothing to stop criminal activity, but only add burden and costs to legitimate gun owners. Fact is: the law could make criminals of law abiding people that aren't aware that the law would treat guns shared at a range differently than a gun loaned to a family member for a bird hunting trip. How silly!

Worse, the prospect of a gun registry – a database that includes every gun in your possession – is a scary one. The ATF has been prohibited for years from registering all firearms (with the exception of certain ones known as "Title II" firearms and suppressors), and keeping lists of the guns you and I own. But, nothing stops a State from doing so. No good can come from a registry of sporting rifles and handguns. In fact, history suggests that registration is a step towards confiscation of certain classes of guns or even all guns.

Thomas Jefferson wrote, in a draft of the Virginia State Constitution, "No free man shall ever be debarred the use of arms." I am sure he would not tolerate the government, then or now, keeping a list of guns owned. Nevadans are smart and freedom minded, but New Yorker Michael Bloomberg is spending huge amounts of money to bring this failed east coast thinking to Nevada. We need to get the word out: "Just say "NO" to Initiative #1."

I attended the Outdoors Exposition in Elko on February 27, and I plan to have a table at the GUNSHOW in Elko on May 7th at the County Fairgrounds. Please stop by to introduce yourself and pick up some NVFAC literature. If you have time to volunteer at the table with me, please consider it. It's fun and interesting – and you get free admission to the show if you help at the table. You will be surprised at how few sportsmen know about the UBC ballot item and, like me, you'll be very motivated to get the word out on how bad this could be if it becomes law.

If you are in Elko, White Pine or Eureka, I hope to meet you in May.

**Mike Coster, Director**  
**NVFAC Northeast Division**

**Please check out and share our web and social media sites and stay informed.**

Web page: NVFAC

[www.nvfac.org](http://www.nvfac.org)

Web page: NVFAC-PAC

[www.nvfacpac.org](http://www.nvfacpac.org)

Web page: Nevadans For State Gun Rights

[www.nevadansforstategunrights.org](http://www.nevadansforstategunrights.org)

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Facebook: NVFAC-PAC

<https://www.facebook.com/NVFirearmsPAC>

Facebook: Nevadans For State Gun Rights

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# On the Cleaning Bench On the Cleaning Bench On the Who Should Own Guns?

## A discussion of Nevada Ballot Initiative ONE

By Cameron Hopkins

**W**ho in America should own a gun? The options range from everyone to no one, with most reasonable people agreeing there should be some sensible safeguards on who can own a gun. No one advocates unfettered access to firearms— felons, traitors, or 5-year-old children. Then again no one argues that gun ownership should be limited to, say, only millionaire sports celebrities. The Second Amendment of our Constitution guarantees “the people” the right keep and bear arms, but which people?

From Aristotle and Socrates to Jefferson and Washington, free thinkers have struggled with reconciling two opposing political forces — individual rights versus public safety. Justice Oliver Wendell Holmes, the most astute legal mind in Supreme Court history, addressed the balance between personal freedom and public safety in *Schneck v. United States*: “The most stringent protection of free speech would not protect a man falsely shouting fire in a theater and causing a panic. [...] The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”

So given that our personal freedoms enumerated in the Bill of Rights are subject to some restrictions in the interest of the general public’s well-being, who should own a gun?

It’s easier to answer in the negative — who should not own a gun. Federal, state and local laws abound with prohibitions. Gun ownership is rightfully denied to all sorts of undesirable people: felons, deserters, traitors, wife-beaters, illegal aliens, anyone dishonorably discharged from military service or anyone who has

renounced their U.S. citizenship. The list goes on: anyone under a restraining order for domestic violence, anyone buying a gun on behalf of someone else, and anyone under the influence of narcotics. Yes, there are dozens and dozens of restrictions on gun ownership in America today, but some people are still agitating for yet more restrictions.

Right now there is a misguided call for “universal background checks” to force private citizens to screen their neighbors, their brothers-in-law, their buddies, their co-workers (or anyone) to make sure they’re eligible to own a firearm before entering into a private sale or

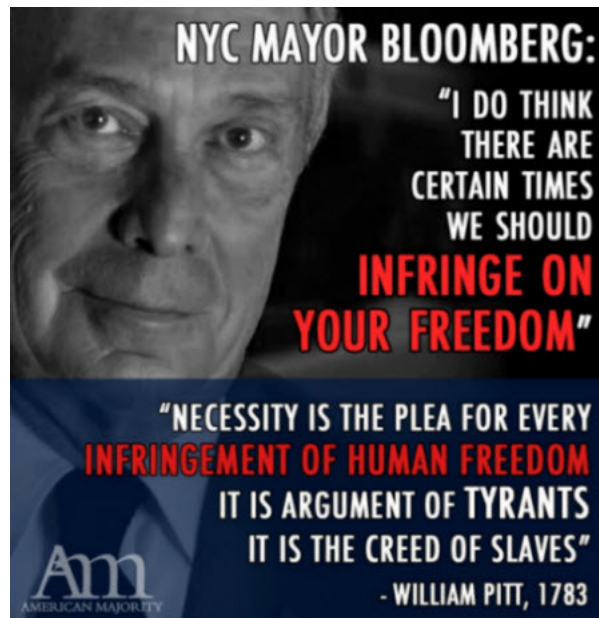
trade for a gun. This sounds innocuous on the surface. After all, who wouldn’t want to screen out criminals? In fact, however, such a proposal is an infringement on a personal freedom guaranteed in the Bill of Rights without any offsetting benefit in public safety.

Background checks are required to be conducted by licensed firearms dealers as part of the regulations governing a Federal Firearms License (FFL), which is by definition a business license.

Anyone wishing to purchase a firearm from an FFL holder must be run through the FBI’s National Instant Check System (NICS) or a state-administered agency like the Department of Public Safety, which conducts background checks in Nevada.

A gun dealer, unlike a private citizen, has voluntarily agreed to abide by Federal firearms regulations, including the conduct of background checks, as a condition of being issued an FFL. Private citizens have cut no such deal.

Gun ownership is no fire in a theater. There are no “substantive evils” that will result if you trade your neighbor your 30-’06 deer rifle for his 12 gauge goose gun. We Americans (Continued on Page 12 - Bench)



(Bench - Continued from Page 11) have been getting along just fine with bartering and buying guns among ourselves for over 200 years. We understand there is a trade-off between personal freedom and public safety, but in the case of forcing your neighbor to undergo a background check just to swap guns, there is no societal upside.

Really? What about the fact that, according to a 2015 study by the University of Chicago and Duke University of Cook County, IL prison inmates, over 70 percent reported that they obtained a firearm from friends, acquaintances or street connections and that firearms routinely pass through multiple hands. The vast majority of criminals do not frequent gun shops, but rather buy and trade guns among themselves. They avoid gun shops because of the background check requirement. It is absurd to suppose criminals would now conduct a “universal background check” on each other. Like all Utopian solutions, from ending world hunger to curing illiteracy, reality rears its sensible head. A gang banger would no more run a background check on his “home boy” as he would ask for a prescription to sell him meth.

However, the major problem with the “universal background check” notion is that it seeks to compel firearms dealers to do all the work and to utilize the NICS technology. However, this system was designed for businesses, not private citizens. This is a quagmire, a swamp that cannot be waded through. There is no way to use the existing NICS mechanism for private background checks, as we can see by looking at a current ballot initiative in Nevada to impose universal background checks on private citizens.

There are four insurmountable problems with the Nevada ballot initiative ONE. First, the law would require gun dealers to “take possession” of any gun that two private parties wish to exchange. Understand what this means—gun dealers are required by law to

maintain Acquisition & Disposition records of all firearms in their possession, and any firearm in the dealer’s possession is subject to a variety of rules, regulations and laws. In Clark County, Nevada’s most populous county, there is a county ordinance mandating that all second-hand property be run through a stolen property data base maintained by the police, and that said second-hand property must be held for 30 days before it can be sold.

There’s problem one for Mr. Seller and Mrs. Buyer. They have to come back in 30 days and see if the gun you’re trying to trade has cleared and that it’s not stolen. If Mr. Seller bought the gun second-hand himself, he better hope it has a clean history or he will have some explaining to do.

The second problem with the Nevada initiative is that

it totally ignores how the NICS system operates. There are four results that can come from a NICS background check: proceed, denied, delayed and unresolved. The Nevada law is so poorly written that it fails to address what to do in case of an “unresolved” response from NICS. Federal law states that if a



background check cannot be completed in three business days (the period of time covered by a “delay” response to an initial background check), then the gun dealer has the discretion for deciding whether or not to release the gun to an “unresolved” buyer. Most gun dealers will never release an “unresolved” firearm because of liability reasons. Furthermore, if an “unresolved” result eventually turns into a “denied” decision, the authorities will be required to confiscate the firearm from the buyer, leading to all sorts of unpleasantness.

But wait! Shouldn’t gun dealers be licking their chops at all the money to be made from running background checks for private sales? Bite your tongue! It would be like turning a gun store into the DMV with long lines of annoyed people who really don’t want to be there. A background check takes time, depending on how busy

the NCIS system is.

A gun dealer would have to hire at least one more employee just to ride herd on private sales and private background checks. An employee requires a salary, workman's comp insurance, vacation pay, sick time and other costs. A dealer would have to charge somewhere between \$50 and \$100 as a service fee. Also, a gun dealer will be required to charge sales tax on the transaction, another financial penalty for the hapless private seller. We have now added unnecessary costs to a private gun sale, thus infringing on a personal freedom without any upside to public safety.

Now we come to the third problem with the Nevada initiative: what to do with a denial. Mr. Seller and Mrs. Buyer are shocked to be informed that Mrs. Buyer has been denied as a "prohibited person" and there will be no sale. Now what?

Now the gun dealer must return the gun to Mr. Seller. But wait! The dealer can't just give him back his gun because the dealer "took possession" of the firearm, so now the FFL holder must conduct a background check. Mr. Seller has already twiddled his thumbs for the required 30 days for his second-hand property to clear, and now he has to be checked just to get his gun back. What if Mr. Seller also gets denied? Now the gun dealer is supposed to do exactly what with this unsalable firearm?

Finally, the fourth issue. It forces all gun transfers/sales onto the Federal Form 4473. The initiative supporters along with Obama and Hillary have said that

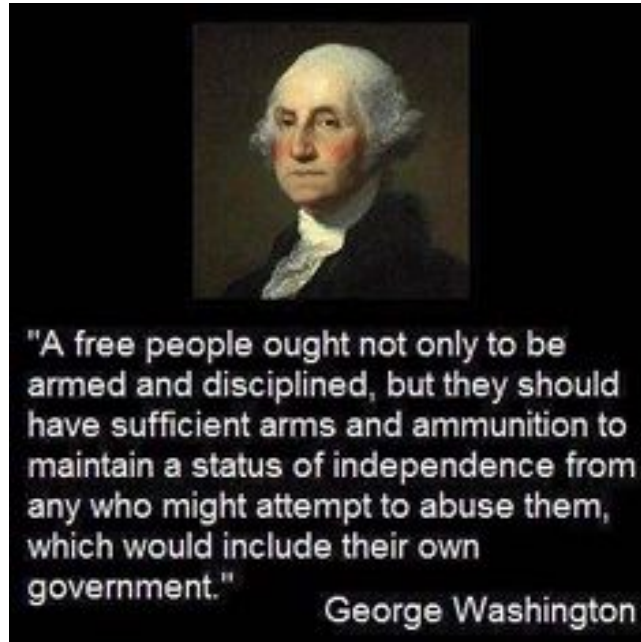
their ideal is the Australian gun confiscation model. To do that they first need a national gun registration data base. Once all guns are on 4473s, there will be laws introduced to create a national database. We know this will happen because they have already announced this objective. By and large, this is the biggest danger of this initiative to gun ownership.

And it just goes on and on, more problems and more problems! Trying to force private citizens to use a background system designed for business is unworkable. The problems are ingrained, and there is no way out. Yes, vetting private gun purchases to assure no guns fall into the wrong hands is a good and noble idea, like ending world hunger or curing illiteracy. However, just like other fanciful Utopian ideas, it doesn't square with reality.

So who should own guns? Holmes can give us guidance for he struck down laws that infringed on individual liberties. In *Otis v. Parker*, the eminent jurist wrote that the due process of law and the fundamental principle of fairness must protect the people from "unreasonable legislation." Private party background checks are nothing if not unreasonable.

The Nevada Ballot Initiative One should be seen for just what it is. Intrusive governmental regulations, not designed to keep felons from possessing guns, but to set the stage to prohibit all ownership of firearms.

**Remember to VOTE "NO" ON ONE!**



### Editor's Note:

A longtime contributor to NRA Publications, the author was the editor-in-chief of *American Handgunner* from 1984 to 2001. Cameron Hopkins currently operates both Nevada Cartridge Company and Westside Armory, a gun shop in Las Vegas.

Cameron is a Patron Member of NRA and a new Life Member of NVFAC. Both of his companies have joined NVFAC as our newest corporate members. There will be a feature in the next issue of *The Firing Line* on both of his current operations.

**By George**