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DELAWARE STATE SPORTSMEN'S ASSOCIATION
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Passing of a Patriot



JUSTICE ANTONIN GREGORY SCALIA
March 11, 1936 – February 13, 2016

By now everyone has learned of the untimely passing of one of America's greatest legal minds. The purpose of this column is not to eulogize this great patriot – others far more capable have already done so. Rather, the purpose of this column is first and foremost to pay our respects to a great legal mind, a great scholar, a great man and a great American Patriot. America will miss his intellect, his scholarship and his leadership on the United States Supreme Court.

This column is also intended to help the reader to understand the impact his passing will have on America and to explore what each of us can do to ensure that his legacy does not die with him.

Throughout his almost thirty years on the Supreme Court, Justice Scalia espoused and adhered to a simple philosophy of constitutional jurisprudence – a philosophy much eschewed by "The Left" and frequently misunderstood on "The Right". It was this philosophy that gave us both the Heller decision written by Justice Scalia and the McDonald decision written by Justice Alito.

In his book titled SCALIA DISSENTS, Kevin A. Ring describes the heart of Justice Scalia's philosophy as follows:

"Scalia is a self-proclaimed "textualist". He believes laws - and especially that supreme law known as the Constitution of the United States – say what they mean and mean what they say. In short, when interpreting the Constitution, Scalia thinks judges should focus on the text. If someone claims he or she is being denied the exercise of a right or if the government asserts it has the authority to take a given action, courts must make certain there is specific textual support for each assertion.

If the proper meaning of the text is clear, judges should then determine whether it provides support for the claimed individual right or governmental authority.

If so, the claim is valid: if not, it should be rejected. The analysis is complete."

Justice Scalia was also an "original intent" scholar who believed that the United States Constitution and the Bill of Rights are to be read and interpreted in the context of the times within which they were written. He did not believe as some "On the Left" have suggested that these are "living-breathing documents" that somehow take on new meaning as the result of the passage of time – on the contrary, Justice Scalia's writings and public comments teach us just the opposite.

Scalia believed that the Constitution constructs three, equal branches of government, rejecting the "functionalist" theory, holding that the Framers of the Constitution never intended for one branch of government to "share" responsibilities with the other. On the contrary, Justice Scalia firmly believed that each separate "Branch" served as a check and a balance against the others, that each Branch has a specific constitutional role to play and that the Constitution forbids one Branch from encroaching upon or assuming the responsibilities of the others.

Likewise, he believed that the Framers intended a republican form of government wherein the ultimate power resides in the people who have then granted certain authority and power to the States, which in turn have granted certain powers and authority to the federal government – a "bottom-up" form of government as opposed to a "top-down" form of government. He understood that the Framers were clearly rejecting a pure democracy in favor of a republic, recognizing the values and safeguards of "representation" versus the dangerous potential for "tyranny by the majority."

By now you have heard much about the "balance" on the Supreme Court" and how the passing of Justice Scalia will "shift the balance of power" on the Court, so belaboring that issue further in this article would serve no useful purpose. It is important to recognize, however, the very real danger the appointment of anyone by President Obama to the Court will pose to our sacred and very fragile Right to Keep and Bear Arms.

When President Obama was running for his first term as President he vowed to "fundamentally transform America" – and he has done so. In 2008 no one believed that America could ever become a socialist state – but now in 2016, after almost eight years of Obama's "rule", we are having an election that will decide whether the United States of America will functionally become "The Socialists States of America".

Also compare, if you will, the concepts of marriage, religious freedom, separation of powers, governmental ethics and restraint, the powers and authority of the States versus the federal government, and the overall relationship between government and the governed as they were when Obama came into office in January of 2009 to what we are seeing and living with today – a stark and startling contrast, at best. Only the Right to Keep and Bear Arms has survived Obama’s quest to “fundamentally transform America” – so far.

In the days, weeks and months ahead we will hear much about so called “moderate judges” who might be offered by Obama as replacements for Justice Scalia on the Court. We will hear about how important it is to have a fully staffed Court and how it is the constitutional responsibility of the President to name a replacement and for the Senate to confirm that nomination. And, of course, we will hear many, many arguments about so-called “litmus tests”. So let’s deal with each of these issues beginning with the Constitution.

Simply put, “yes” Obama has the right, even a duty to nominate a replacement. And the Senate has the duty to receive, but not accept, that nomination. However, the Senate has no duty whatsoever to vote upon, confirm, or even consider that nomination. Remember the “Separation of Powers Doctrine” – the President appoints, “by and with the Advice and Consent of the Senate”. Each has a role to play and each plays that role subject to the direction of the Constitution.

Having nine Justices is, of course, optimum. But the Court works just as well with eight – and has done so many times in the past, most recently when Justice Kagan was required to recuse herself from decisions concerning cases in which she was involved as a lawyer for the Department of Justice – and, for the record, no one complained about having only eight justices on those cases when Obama appointed Justice Kagan during a time when it was obvious that those cases were coming or were already pending before the Court.

Finally, because Justice Scalia was both a leader and the deciding vote on cases where his “Textualist Philosophy” was important, shouldn’t the next Justice also be a textualist? If so, then no “moderate judge” currently sitting anywhere (especially the DC Court of Appeals) would qualify because a “moderate” is, by definition, anything but a “textualist”.

For once, Senate Majority Leader McConnell may have it right – the final selection of the next Justice of the Supreme Court should not occur until after the People have spoken in the 2016 elections. The 2016 elections should be about who will nominate the next Supreme Court Justice and, just as importantly, who will sit in the Senate to consider that nomination.

It remains to be seen whether the Senate Republicans – and Democrats, of course - are willing to bow to and respect the will of the People and allow our voices to be heard before a new Justice is selected and seated. But if they do, we must be prepared – we must be ready, willing and able to voice our opinions at the ballot box.

The 2016 Election will truly be about the future of America and the future of our Second Amendment and the fundamental rights about which Justice Scalia wrote in Heller. Election Day, 2016 may very well be the most important Election Day in American History. Each of us has a very important duty to fulfill on that day. But we must be prepared to perform that duty.

Our duty is to vote. And as voters, our duty is to uphold and defend the Constitution of the United States as it was written and as it was intended by The Framers. To do that, we must vote for the person who is most likely to win and who will stand with us, represent us and who will ensure that America’s First Freedom is protected by qualified “textualist” justices and judges – justices and judges who admire and follow Justice Scalia’s philosophy.

It’s simple – register to vote – and then go do it.

Stand and Fight – Stand with us and fight for Freedom, now and in the future.

Register to vote and then VOTE FREEDOM FIRST.

NRA ELECTION REMINDER

The March “Ballot Issue” of the various NRA Official Journal magazines will be arriving in your mailbox very soon.

The DSSA Board has endorsed DSSA member, Rich Kussman, for election to the NRA Board of Directors.

Please join us in “bullet voting” **Vote only for Rich Kussman** when your ballot arrives.

Bullet



Vote

Colonel Richard L. Kussman, U.S.A, (Ret.)
Stewartstown, Pennsylvania



Benefactor Member. Lifelong hunter, competitive shooter and influential Second Amendment activist. Retired U.S. Army Colonel, member U.S. Army Pistol Team (1978 & 1980). Two-term President, Maryland State Rifle & Pistol Association, former MSRPA Vice-President for Legislative Affairs fighting alongside NRA-ILA against Maryland’s draconian semi-auto and ammunition bans; testified in House Committee in defense of Maryland’s law-abiding gun owners and hunters; worked closely with pro-gun legislators; outspoken Second Amendment advocate, strong supporter of NRA-ILA’s efforts to win National Conceal Carry Reciprocity. “Double Distinguished” Rifle & Pistol; 2010 winner of NRA’s prestigious

Wimbledon Cup; member President's Hundred-Rifle. Undergraduate and graduate Civil Engineering degrees, Kansas State University; former business executive with Battelle Memorial Institute, world's largest private research and development firm; founding partner, H&K Associates, ammunition development firm. Avid hunter, USA and Africa, member SCI, RMEF & DU. Nominated by Members' Petition, Colonel Kussman has dedicated a lifetime to defending American Freedom.

From the Membership Chairman's Keyboard

WOW...what a pivotal moment we live in today. Our future lies before us with great consequences that can and will affect every single individual that resides in the United States of America for decades to come. Choosing leaders is guaranteed by the collective wisdom of our Founding Fathers when they penned the Declaration of Independence and our Constitution. Power is given to the people to determine their own future.

Remember here in Delaware we also have a constitutional right to keep and bear arms:

Constitution of the State of Delaware

ARTICLE I. BILL OF RIGHTS

§ 20. Right to keep and bear arms.

Section 20. A person has the right to keep and bear arms for the defense of self, family, home and State, and for hunting and recreational use.

Every voice counts. Collectively, many voices in unison can be powerful. When the Delaware State Sportsman's Association approaches law makers and governmental offices, the weight of the collective voices of DSSA Members has impact. Members equal votes. Every member has a sphere of influence of at least four people. One thousand DSSA Members influences approximately four thousand potential voters... and that is power.

It is important that every member be properly informed of what impacts our rights as firearms owner and sportsmen. DSSA publishes an informative newsletter, maintains a website, a Face Book Page and as needed sends out email(s) to keep our members informed. The DSSA encourages members to share this information to inform and educate your family, friends and associates.

Recently in an effort to open DSSA to a broader membership, DSSA recently created two new membership categories for Delaware Sportsmen:

Business Alliance Membership – For \$25.00 any corporation or business can join DSSA and support DSSA's efforts to educate, legislate and litigate the cause of firearms and sportsmen's rights in Delaware. Corporations and businesses can benefit from a direct relationship by being able to advertise their membership in DSSA to the firearms community. Concurrently, by having a business or corporate

relationship with DSSA, we can better serve your specific interest.

Collegiate Membership – For \$15.00 any person presently enrolled in a college or university can join DSSA as a collegiate member. This membership category was created to recognize all the college and university students in Delaware that have an interest in firearms and sportsmanship. This also resulted in providing the current president of the University of Delaware Students for the 2nd Amendment to a seat on the DSSA Board of Directors.

The primary reason for adding these new DSSA memberships is to increase the effectiveness of the DSSA Legislative Action Alerts system to support firearm and sportsmen's rights both nationally and in Delaware. The Delaware State Sportsmen's Association IS the NRA in Delaware and it's the only organization in Delaware that's primary mission is to fight and preserve your hunting and gun ownership rights.

We need your help to keep YOU informed. When you change your email address, mailing address or phone number, PLEASE keep us informed. It is also very important to make sure the information you supply is not only correct, but legible. We try to track down returned newsletters and bounced emails, sometimes with success and occasionally not. Your concerns and information is very important. The current legal action DSSA has now undertaken to secure your right to protect yourself and your family while on state parks property came from a concerned member.

DSSA does NOT share our Membership list or divulge the information you share with us. If some group, individual, email, website or organization attempts to solicit money or represents it's self as being DSSA, ask them to verify.

There is another way, an important way you can make your voice count. Encourage your family members, friends and associates to also become members of DSSA. It's as easy as going to the DSSA Webb site and signing up. <http://dssa.us>

Thank you for your support.



FRIDAY, APRIL 22, 2016

DELAWARE FRIENDS OF THE NRA
Benefit Banquet & Auction
is being held at the
Dover Modern Maturity Center
1121 Forrest Avenue
Dover DE 19904

ROAST BEEF & DUMPLINGS
DOORS OPEN AT 5:30 PM-DINNER AT 7:15 PM

TICKETS ARE \$50 EACH
SPONSOR PACKAGES AVAILABLE*
LIVE AUCTION
SILENT AUCTION - GAMES
JOIN HUNDREDS OF LIKE MINDED INDIVIDUALS IN
AN EVENING OF FUN; ALL FOR A GOOD CAUSE
50% OF ALL FUNDS RAISED STAY IN THIS AREA FOR
CONSERVATION, EDUCATION, SAFETY,
AND RANGE DEVELOPMENT

* CONTACT INFO: 302-672-8129 *

Important Delaware Hunting and Trapping Update regarding Fees and Associated Value

Advisory council on wildlife & freshwater fish approved hunting and trapping fee increase recommendations and;

Aims to provide additional value to hunters and trappers by formally supporting:

- legalization of Sunday deer hunting
- allowing concealed carry permit holder to carry concealed guns on wildlife areas
- allowing deer hunting with rifles that use straight-walled pistol caliber cartridges
- listing accepted hunting calibers as a range, rather than individual calibers

As we reported on January 8, 2016, the Delaware Division of F&W attempted to raise hunting and trapping license fees in 2014, but public feedback showed that hunters were against license fee increases, especially if they received no additional value for the increases. Hunters asked for legalization of Sunday hunting, additional public hunting locations, and better maintenance and preparation of existing facilities. Hunters also disagreed with the amount of the proposed increases and wanted to see implementation of cost-sharing measures so that non-hunting users of wildlife areas will have to pay access/use fees.

As a result, the Advisory Council on Wildlife and Freshwater Fish voted against increasing fees at their December 9, 2014 meeting.

The Division of F&W again asked the Advisory Council to vote on fee increases this year and in early January held public workshops in Delaware's three counties to gather public input.

DSSA advocated on behalf of Delaware hunters and trappers, and we demanded real and verifiable value for any fee increases. We asked Delaware hunters and trappers to express their support at the meetings for the following conditions:

- Hunting and trapping license fee increase should not exceed 15% (which is in line with the inflation rate since the last fee increase in 2007);
- Sunday hunting for all game species except migratory birds must be legalized;
- People with concealed carry permits must be allowed to carry their concealed guns while hunting;

- The current language regarding acceptable handgun calibers for hunting must be modified to show a range of accepted calibers, rather than listing individual calibers (that are potentially limiting);
- Deer hunting with rifles that use straight-wall pistol cartridges be allowed;
- Fees must be charged to non-hunting users of public wildlife areas.

Thanks to the unwavering concern and support of Delaware's sportsmen and sportswomen, the Division of F&W and the Advisory Council clearly heard the demand for additional value as it relates to hunting and trapping fees.

At the public Advisory Council meeting held in Dover on January 26, 2016, F&W presented the feedback gathered from the public workshops. Statistics presented by F&W showed support for hunting and trapping fee increases with value-added conditions, including legalization of Sunday hunting and ensuring that non-hunting and –trapping users of state wildlife areas also pay for use of the areas. F&W data distributed during the meeting also showed support for other value-added conditions, including conditions demanded by DSSA.

In the Advisory Council meeting, F&W proposed two alternate fee packages that included slightly modified fee increases than those discussed in the workshops. The Council voted to endorse one of the alternate fee packages. The fee package will now be presented to the legislature for final approval.

Some highlights of the proposed fee structure include:

- Resident hunting license increase from \$25 to \$39.50
- Non-resident hunting license increase from \$130 to \$199.50
- Resident Hunter's Choice/Quality Buck tag increase from \$10 to \$20
- Resident Trapping license increase from \$3.50 to \$10.00
- Creation of a new Conservation Access Pass – \$20 for individuals, \$300 for an Annual Group Guide pass

After voting on the fee increases, the Council addressed and acted on the feedback from the public workshops and passed a motion to formally support:

- legalization of Sunday deer hunting
- allowing concealed carry permit holders to carry concealed guns on wildlife areas
- allowing deer hunting with rifles that use straight-walled pistol caliber cartridges
- listing accepted hunting calibers as a range, rather than individual calibers

Although the Council only acts in an advisory capacity, their support and endorsements speak volumes. To our knowledge, this Advisory Council on Wildlife and Freshwater Fish is the first such council to take a stand and formally support such actions. We—and hunters and trappers

throughout Delaware and the United States—commend their actions.

In order for any of the Council-supported actions to occur, legislation must be introduced and approved. You can rest assured that we at DSSA will continue to fight for your hunting and trapping rights as we address these issue in the near future.

NRA ANNOUNCES A NEW SPORT EXCLUSIVELY FOR THE "AR PLATFORM" ENTHUSIAST



MID-RANGE PRONE COMPETITION FOR TACTICAL RIFLES ON THE "AR-PLATFORM"

Conceptually, this new NRA Mid-Range (Prone) Tactical Rifle (AR) program is designed to provide civilian, military, and police shooters with an opportunity to shoot NRA Mid-Range Prone competition alongside of other Mid-Range Prone shooters in matches using semi-automatic rifles built on an "AR Platform" and equipment generally thought of as being "tactical" in design and use. These rifles will be configured so as to replicate as closely as possible the tactical rifles (semi-automatic) and equipment used by the United States Military and America's Law Enforcement Community in "mid-range" tactical applications. These semi-automatic rifles will be more "off the rack" or "stock" than "competition" in nature. They will be more of a "tactical design" than "match design" and therefore less expensive than the vast majority of mid-range prone rifles currently in use.

These rifles are of the "AR-Platform" variety, semi-automatic, chambered in any caliber from .223 cal./5.56mm. up to and including .308 cal./7.62mm. The courses of fire will be the same courses of fire currently used for other NRA Mid-Range (Prone) High Power Competition (300, 500 & 600 yards) and are designed to be fired concurrently with other forms of Mid-Range competition. The targets will be the same targets that are used for Service Rifle, Match Rifle and Palma Rifle Mid-Range Prone competition. Mid-range telescopic sights will be allowed, but not required. Because this is prone competition, shooters may use tactical front rests such as Harris-type bipods and limited rear rests of the type one might find used in military or police tactical situations.

This new style of competition is designed to be more "tactical" in spirit and for that reason equipment normally found in other types of High Power Rifle Competition such as

Match Rifle, Palma Rifle and F-Class Rifle are not permitted. In order to understand the spirit of this new sport one might think of this sport as "prone Service Rifle with a bipod and a scope". This IS NOT designed as another version of F-Class competition.

As a practical matter, Match Directors wishing to provide this competitive shooting opportunity within their programs will simply integrate this rifle with others already provided for within their standard Mid-Range program. In other words, this will simply be another category of rifle to be added to those already in existence.

The specific Rules for this new, tactical-style competitions are as follows and can be found in the new Chapter 23 in the NRA's High Power Rifle Rule Book.

The Bridgeville Rifle & Pistol Club invites you to come to the range, bring your AR-Platform rifle and shoot this new sport.

Bridgeville's Mid-Range Rifle season will begin on March 20, 2016 with a 3x600 match. Mid-Range matches are held at least once every month. For a complete schedule of shooting events go to the web page for the Bridgeville Rifle & Pistol Club : www.bville-rifle-pistol.org; or email Jeff Hague at Jeff.Hague@bville-rifle-pistol.org. This is the perfect time and the perfect reason to get that "AR" out of the closet and onto the range.....

Everyone is welcome... don't be bashful----- everyone starts someplace... your place is here!



Delaware State GSSF Challenge

Saturday & Sunday, March 12-13 2016
Bridgeville Rifle & Pistol Club 10409 Rifle Range Rd

Bridgeville, Delaware

Join GSSF and Register Online at:

<http://www.gssfonline.com>

- *Join the challenge*
- *Meet old friends and new shooters*
- *Win prizes*
- *Great food will be available for purchase*



**MEMBERSHIP FEES AND DONATIONS,
PLEASE TAKE NOTE:**

Our Organization exists and is sustained by the membership fees and donations we receive annually. Please note that we appreciate and need your support more than ever. Our membership has virtually doubled in the past few months and with this infusion of support DSSA can and plans to move forward in areas and ways we have not been able to do before. We ask that when making donations to DSSA or DFLA that you use a separate check for each organization. This will ensure that the monies will be used as you the member/donator would have us use it. To help in this area, DSSA has set out to allow online payments and registration for membership. As you read this, provisions are being made to facilitate credit card usage in a secure manner to make payments and to donate. THANK YOU

DSSA NEWS

The DSSA NEWS is a bi-monthly publication of the Delaware State Sportsmen's Association. It is distributed to each member as a benefit of membership. Additional copies are provided to elected officials and other NRA state associations. If you would like to contribute to the DSSA NEWS please submit your material to jeff.hague@dssa.us. Questions or concerns may be sent to the same address.

Mail Delivery Option

If you have paid dues at the full rate of \$25.00 per year you may elect to receive your newsletter through the USPS. To make a change please contact DSSA Membership Secretary, William D. Bell at:

dabll@comcast.net or 302- 245-4822.

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