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GUN BANS IN PARKS AND FORESTS HELD UNCONSTITUTIONAL

By John C. Sigler, Esq.

*"The limited ability to have a hunting rifle or shotgun while engaged in a controlled hunt on state park or forest land does not fulfill – and cannot substitute for – the people's right to have a firearm for defense of self and family while camping overnight in a State Park or hiking in the more remote acres of State Forests (assuming compliance with all other laws governing guns). **The Regulations not only unduly burden that constitutional right, but eviscerate it altogether.**" Bridgeville Rifle & Pistol Club, et al v. Small, et al. (Del. Supr. Slip Op. No. 15,2017, at 6 of the Majority Opinion)(Emphasis added)*

So wrote the majority of the Delaware Supreme Court in a case decided on December 7, 2017, in a suit brought by the Delaware State Sportsmen's Association, the Bridgeville Rifle & Pistol Club, LTD and five individual citizens against Delaware's Department of Natural Resources and Environmental Control (DNREC) and the Department of Agriculture (DOA) and their respective Secretaries challenging regulations promulgated by both agencies which resulted in a near ban on the possession of firearms in state parks and forests. (December 7th, 1787 was the date upon which Delaware became the First State by being the first to ratify the US Constitution, 230 years ago).

In this landmark 3-2 decision, the Delaware Supreme Court, following its prior decision in another case in which both DSSA and the Bridgeville Club participated as "friends of the court" known as Doe v. Wilmington Housing Authority, 88 A.3d 654 (De 2014), the Court held for the second consecutive time that Article I §20 of the Delaware Constitution is on its face "intentionally broader than the Second Amendment". Id. at 12. Article I Section 20 of the Delaware Constitution reads as follows: "A person has the right to keep and bear arms for defense of self, family, home and State, and for hunting and recreation."

The Court went on to opine that "(t)he right to bear arms, including the right to self-defense, has existed since our State's founding and has always been regarded as an individual right. We reject the notion that the Regulations were 'grandfathered' because various version of them predate the addition of Section 20; **they (regulations) were unconstitutional before the passage of Section 20, and are unconstitutional now**". Id. at 16 (Emphasis added).

In deciding this case, the Court compared the U.S. Supreme Court decisions in both Heller and McDonald, acknowledging that "(a)lthough the United States Supreme Court has not expressly decided whether the Second Amendment protects public carry (i.e., carrying outside the home), the conclusion that self-defense is the Second Amendment's 'core purpose' suggests that it must allow citizens to be armed outside the home given that 'in some circumstances a person may be more vulnerable in a public place than in his own house' among other reasons. **However, regardless of what the United States Supreme Court decides regarding the Second Amendment, in this State, the text of our Delaware Constitution is clear: the right to keep and bear arms exists outside the home.**" Id. at 29 (Emphasis added).

Another important holding by the Court was that "(i)t is **axiomatic that the state cannot ignore our Constitution, even when acting as proprietor of State-owned property.** As in other areas concerning fundamental rights, statutes and regulations impacting Section 20 rights must comply with our Constitution", thus soundly rejecting the opposing theory that the State can do whatever it wants to do on its own land. Id. at 31. (Emphasis added).

In addition to finding that both DNREC and the DOA had violated the Delaware Constitution by promulgating and/or failing to rescind the offending regulations, the Court also found that the agencies lacked the authority to even enact those regulations. In doing so the Court opined that "It is axiomatic that delegated power may be exercised only in accordance with the terms of its delegation". Id. at 44. The Court ultimately concluded that "The Regulations fall outside the scope of the Agencies' authority because they are inconsistent with the laws of this State (namely Section 20)..." Id. at 45. In other words, the Court is saying that regulatory agencies must follow the Constitution and that their actions must conform to constitutional principles, a doctrine that recently seems somewhat foreign to many of Delaware's more senior bureaucrats and executives.

It is unclear at this early juncture just how much impact this final portion of this decision will have on both existing Regulations and upon regulations which may be challenged in the future. But what we do know is that Chief Justice Strine wrote a very strong and lengthy dissenting opinion making it abundantly clear that (1) he disagrees with the majority in this case on both issues; (2) he believes that the Court's decision in Doe v. Wilmington Housing Authority was wrongly decided; (3) that the United States Supreme Court was wrong in both Heller and McDonald; and (4) that Delaware's gunowners cannot rely

upon these two decisions as evidence that their rights will be protected in the future by a Court whose occupants may be somewhat different.

This was, of course, a very narrow win for Delaware gun owners and constitutional adherents. With but three Justices in the majority and the Chief Justice joined by one other justice publishing such a lengthy and vitriolic dissent, perhaps a quick read of the Majority's closing footnote #159 might be appropriate:

"159. As to our dissenting colleagues, we ignore many of their comments suggesting that any law, constitutional provision, or decision announcing or upholding the rights to keep and bear arms – including Section 20, Doe, and Heller – must be discounted as the product of a politically motivated, NRA-driven agenda. But we do pause to observe that the dissent's approach – were it to have been the law – would have troubling implications beyond this case. If, as they posit, agency regulations (such as those eviscerating fundamental Section 20 rights) are immune from any constitutional scrutiny, what principles could the Court then invoke if an agency were to ban the press from open meetings, or limit political or other speech in such areas? Id. at 46.

The Delaware State Sportsmen's Association has been protecting and defending the rights of hunters, gun owners and sportsmen and women since 1968, and continues to do so to this day.

In 1987 your DSSA worked with the NRA and the members of the Delaware General Assembly to obtain the addition of Article I Section 20 to our Delaware Constitution and to obtain our county and municipal preemption laws.

In 2014 your DSSA joined forces with the Bridgeville Rifle & Pistol Club, LTD to file an amicus curie ("friend of the court") brief in support of "Mrs. Doe" in the case now known as Doe v. Wilmington Housing Authority. In that landmark case for the first time the Delaware Supreme Court found that Article I Section 20 protected the rights to keep arms for the defense of self, family, home and State, and for hunting and recreation, and the rights to bear arms for each of those same purposes. In that case the Court also for the first time recognized Delaware as an "open carry state" and recognized the rights to keep and bear arms as "fundamental rights".

Now, in 2017, your Delaware State Sportsmen's Association successfully joined the Bridgeville Rifle & Pistol Club and several other individual citizens in giving meaning to the Court's decision in Doe by successfully challenging two very powerful state agencies and their promulgation of facially unconstitutional bans on firearms in State Parks and State Forests, giving notice to all that the rights of Delaware's hunters, gun owners and sportsmen and women are not to be trifled with by government agencies and officials who would impose their values upon us all without regard to the law or the Constitutional principles we all hold so dear.

This case, properly captioned as Bridgeville Rifle & Pistol Club, LTD; Mark Hester; John R. Sylvester; Marshall Kenneth Watkins; Barbara Boyce, DHSc,RDN; Roger T. Boyce, Sr. and the Delaware state Sportsmen's Association v. David Small, Secretary of the Delaware Department of Natural Resources

and Environmental Control; Department of Natural Resources and Environmental Control; Ed Kee, Secretary of Delaware Department of Agriculture; and Delaware Department of Agriculture, has been a hard fought, hard won example of what DSSA means to its members and the other sportsmen and women, hunters and law-abiding gun owners of Delaware. DSSA members can truly stand proud as true American patriots.

This battle has been won, but the fight goes on.

This is what it means to be a member of DSSA, the NRA's official state affiliate in Delaware.

DNREC AND DOA PRESS RELEASE

As John mentioned in the closing of the above article, this battle has been won, but the fight goes on.

Just before Christmas DNREC and DOA issued a joint press release stating both agencies would be issuing new regulations in the wake of the decision of the Delaware Supreme Court.

It looks as if we may have a situation similar to what has been happening in Washington, D.C. since the *Heller* decision.

The State appears ready to prohibit firearms in certain public facilities and designated areas. This would include park offices, visitors' centers, bathhouses, zoos, educational facilities, dormitories, group camping areas, swimming pools, guarded beaches, stadiums and water parks.

It is anticipated that these new regulations will be issued as either proposed or emergency regulations in the January 1, 2018 issue of the Register of Regulations.

A THOUGHT AFTER REVIEWING A RECENT TRAINING VIDEO

By William Bell.

NOW WHAT! ... or does your wife, significant other or family know what to do if you find yourself in a "gun fight?" "

Okay, you have exercised your 2nd Amendment Right and your 1st Amendment right in Delaware and applied for and received a Permit to Carry a Concealed Weapon. You have taken the Class, shot the firearm under the instruction of the trainer presenting the class and excepted the responsibility of protecting you and your family. You have joined a local club with a safe range and facility to practice and hone the skills you have been reading about and watching on U Tube. The Club (s) have shooting programs and competition available to it's members and put on a really good program to compete against your self and others thereby continuing to build muscle Memory and improving shooting skills necessary to operate a firearm safely and competently.

Then one day, out of the clear blue, you and your family are exciting on of the big box stores when a very angry person has decided to make you and your family the object of his 'ill' intention.... be it robbery, car jacking or something 'political'; after all you have a NRA sticker on your bumper. He begins by

audibly harassing you and your family and then demanding property, money and possibly your vehicle. He produces a piece of pipe and swings it at you just as you have perceived a threat to your physical wellbeing and to your family... you draw your concealed carry firearm and the pipe catches you on the arm knocking the firearm to the ground and possibly breaking your arm or worse. WHAT NOW?

Have you spent time with your loved ones and developed some type of plan for incidents such as this? Is your wife or significant other or family members familiar with your firearm? Have you taken the time to share with them how it works, how to point and shoot or maybe clear a malfunction?

Next time you go to the range, bring the wife and family as covenant and school them on your firearm... the safety, the handling and how to shoot it. They shouldn't be afraid of it, they should respect it and possibly be able to manipulate to fix malfunctions. Remember, you might be on the ground injured and unable to fight... your companion will/should be equipped to continue the fight as needed. Practice picking up a 'Dropped Firearm' with the family and getting it into action. Please be safe out there and Shoot Safe.

THE PASSING OF A LEGEND LTC. Lones W. Wigger, Jr. (US Army, Ret.)

By NRA Past President John C. Sigler



The photograph above shows the late LTC. Lones W. Wigger, Jr. in 2013 with the trophy he donated to the National Rifle Association which consists of the gold-plated Anschutz Model 1813 rifle which was presented to him by Dieter Anschutz on his retirement from the United States Army. The NRA's Board of Directors accepted this trophy and placed in national competition in honor of Wigger, naming it the Lones Wigger Iron Man Award. It is presented annually to the competitor with the highest aggregate score of the NRA's four outdoor Smallbore Rifle championships consisting of metric and conventional prone and three-position. The competitor winning this award will have endured and succeeded throughout 12 straight days of competition in all four disciplines.

Lones Wesley Wigger was born August 25, 1937 in Great Falls, Montana. He died on December 14, 2017 at his home in Colorado Springs, Colorado at the age of 80 after having set the standard by which all NRA competitive shooters are to be judged.

Known within the competitive shooting community simply as "Wig", LTC Wigger was the consummate competitor. He was a gentleman, a teacher, a coach, and a consummate team player who throughout his lifetime earned the respect of all who knew him. In a recent article that appeared in the NRA's *Shooting Sports USA*, his friend Hap Rocketto quoted LTC Wigger as once having said *"The will to win is really better stated as the will to prepare to win. In shooting, it's persistence that pays the biggest dividends – constant, steady practice, week in and week out, all year long. I truly believe that anyone can be a champion marksman if they work at it long and hard enough"*. And Lones Wigger was the consummate champion. Lones Wigger was a member of the United States Olympic Team in 1964, 1968, 1972 and 1980, winning Gold Medals in both 1968 and 1972 plus a Silver Medal in 1968. Throughout his competitive shooting career Wigger won a total of 111 medals while representing the United States in International Competition including 65 Gold Medals, 38 Silver Medals and 8 Bronze Medals. He also set 29 separate world records. Lones Wigger is the only American shooter to ever be elected to the U.S. Olympic Hall of Fame and was named by the United States Olympic Committee as a "Golden Olympian."

Wigger's success began at Montana State College where he won his way to becoming a four-time All-American. Upon graduation he accepted a commission in the US Army earning a slot at the U.S. Army Marksmanship Unit where he spent most of his career. Of course, the United States was at war during this time and Wigger ultimately served two tours in Vietnam, the second of which was as the commanding officer of the 23rd Infantry Division Sniper School. Unlike many of his peers, Wigger used his leave to return to the States to compete at Camp Perry.

Although primarily known for his accomplishments as an International competitor, Wigger won a total of 56 U.S. National indoor and outdoor titles including 21 Outdoor Smallbore Rifle Position Championships between 1963 and 1991 and nine consecutive Parsons Trophies.

LTC Wigger served on the Board of Directors of the National Rifle Association from 1980 to 1987, providing representation on the Board for all of America's shooting community.

I was fortunate to have known Wig and to have benefited from his wisdom and sage advice on more than one occasion. I liked him, admired him and respected him. He was always easy to talk to and fun to be around. He was a leader and a role model and a man who will be sorely missed within our competitive shooting community and among the larger community of Second Amendment activists. Lones Wigger was a devoted member of the NRA.

Lieutenant Colonel Lones W. Wigger, Jr., (US Army Ret.) served his country at war and in peace. He was a successful American ambassador to the International Shooting

Community, a true American patriot and a legend in his own time.

America's competitive shooting community will truly miss Wig, I know I will.

VOTE!

NRA BOARD ELECTIONS



CAPT. JOHN C. SIGLER (RET.)

NRA's 59th President – Benefactor Member

**Hunter, Competitive Shooter, Gun Collector
&**

Second Amendment Activist

NOMINATED BY BOTH THE MEMBERS & THE NOMINATING COMMITTEE

John has dedicated a lifetime to protecting our Right to Keep & Bear Arms.

ENDORSEMENTS INCLUDE

**Delaware State Sportsmen's Association
Firearms Coalition of Colorado-Ohio Rifle & Pistol Assoc.- Florida Sport Shooting Assoc. - Ohio Gun Collectors- North Carolina Rifle & Pistol Assoc.-
New York State Rifle & Pistol Assoc.
Fifty Caliber Shooters Association**

"He's one of us!"

THE SHOT HEARD ROUND THE WORLD... SORTTA! A DAISY CHRISTMAS STORY...100% TRUE... SORTTA!

By William Bell

Well, I've told this story before... it happened a long time ago, or so it seems... back in the early 1950's. Times were different then. The United States had come through a depression, WWI, WWII and was staring at Korea and the threat of nuclear war. My Mother (RIP) was overly protective I believe. She had lost two children (twins... a boy and a girl) and almost me to a virus of some sort do to the war shortages as I was told. She suffered as well, but she and I survived... and her husband was in combat in North Africa. Overly protective, yes. I do remember one time going to my Grandmother one day after my mother had shined me up in a White sailor suit... I have the picture. Grandmom as we called her was a little looser with her reins as it were. She let me go out in the yard and play in my brand new white sailor's suit in the ash pile no less. Yeah I was a mess, but she scrubbed me back up and washed the suit and ironed it before Mom picked me back up. I wanted a pair of cowboy boots like Hopalong Cassidy wore... he was my hero. My Mother purchased a pair of low heeled slip on boots with a cowboy on the side... I was disappointed. We went to my Grandmother's house and low and behold there was a pair of long shaft, high heeled Hoppy Boots. I wore them completely out and remember my Mother complaining as how I wouldn't wear the pair she bought. Then I discovered the ARMY. As kids we all played 'ARMY' as there was a ton of surplus gear to be had... I wanted combat boots. My Mother refused ... BUT my Grandmother came through again ... a pair of Sears and Roebuck combat boots for kids with a pocket on the side that held a pocket knife... I wore them out as well.

A B-B Gun was my next fixation. That brought a very stern NO! Now my uncles and such were hunters and outdoor types to a degree, veterans of WWII... real men. It so happened that we as a Very Large family met at my Aunt's home this particular Christmas to exchange presents. No large long boxes were present, the dead giveaway of a Daisy air rifle... my heart was sunk... the first package I opened was an Imperial Sheath Knife... the black plastic handled model that sold for around \$1 at the five and ten cent store. My mood changed as I strapped it on my belt proudly. My mother frowned and I gave my Grandmom a big hug. The next round of presents I was given a bead crafting kit from my Aunt, and I smiled and said thanks. What the heck was I going to do with that? And the next round a box the size of a sheet of paper and as thick as my grammar book at school. Grandma came though again.... there it was. A Daisy TARGETEER , with pellets, spinner and targets. It was beautiful. My Mother started turning a little red as I recall, and my Grandmom interjected, but it is a 'safe' toy...it was designed to be shot in the house. The usual warning started, "don't shoot your eye out, don't point it at anyone" were sternly given. I also received a glass bottle of "Candy B-

B's". They were sugar B-B's in a glass bottle that resembled a pistol of sorts. We packed up and headed home after a large Holiday Meal. Our presents were put under our tree for display as friends and neighbors stopped by.

It so happened we had a cat at that time that loved to play with the Christmas glass balls... the old Victorian type that sell on eBay for big bucks. Occasionally she would knock one off and it would roll around on the carpet, but rarely did one break. I had played with my new Daisy TARGETEER on our enclosed back porch and as the DAISY took a smaller pellet than the standard air rifle, they were hard to obtain as I found out. The cardboard box was to trap the pellets and reuse them. I found a towel also made a good back stop. After all, it was designed after the COLT WOODSMAN model in .22 rim fire. The cardboard targets have been offered at \$25 each as recently as a year ago on eBay. Wait a minute... those sugar B-B's I got... maybe? Yupp!, they fit perfectly. Only problem was they broke up with in a few feet of the muzzle, probably because of the spring action pulverizing the hard sugar 'bullet'. I got brave and shot it at one of the tree ornaments and it pulverized into a thin vale of dust and not hurting the thin glass balls. After all, if it did manage to break one, I was going to blame it on the cat. After several successful tries with no damaging incidents, I was feeling pretty good about my discovery.

My Mother took this opportunity to straighten up the living room where the tree and presents were still displayed. Now at that particular time, my Dear Sainted Mother was a little, shall we say broad in the backside. As she bent over to straighten or pickup something, I took careful aim at that huge target and unleash the power of the TARGETEER... except this time it did not disintegrate. No greater wrath could have been expended, even the Atomic Bomb that ended the WWII as when that tinny partial of sugar made contact with her posterior. The TARGETEER disappeared from that minute on... I never asked where it went. After her passing and going through some of her treasurers, wrapped carefully in her 'ceader' chest was my Daisy TARGETEER... pellets, spinner, target, rubber band and box... Wrapped in a blanket for 50 years. They are rare to find these days and bring good money on eBay... but this one is not for sale. It taught me a valuable lesson. Don't point at anything you are not willing to destroy. Merry Christmas.



EVERYTOWN AND HOLLYWOOD LAUNCH NEW CAMPAIGN AGAINST PRO-GUN LEGISLATION

NRA-ILA

In the wake of the still-unfolding Harvey Weinstein scandal, one might have thought that America would receive a brief reprieve from Hollywood's ceaseless moralizing. However, on October 18, 2017, Michael Bloomberg's Everytown for Gun Safety, actress Julianne Moore, and handful

of other entertainers launched a new effort aimed at NRA and the right to keep and bear arms.

Dubbed #RejectTheNRA, the Bloomberg orchestrated campaign urges the public to contact their elected representatives to oppose H.R. 3668, the Sportsman's Heritage and Recreational Enhancement Act (SHARE Act) and H.R. 38, the Concealed Carry Reciprocity Act. Specifically, an [Everytown YouTube video](#) featuring the aforementioned celebrities asks viewers to text REJECT to 64433 in order to receive an automated phone call from the gun control group which will then connect the sender to their congressman after a recorded script tells them to oppose pro-gun legislation in the Congress. Of course, it's entirely up to the caller what to tell their congressman once connected.

The Everytown video provides talking points for the constituent to repeat once they are connected to the congressman's office, including baseless assertions about the purported dangerousness of the bills. For instance, the video includes one entertainer contending that the SHARE Act "would make mass shootings even more deadly than they already are."

Suppressors do not make firearms quiet, they merely reduce the sound of a gunshot by about 30 decibels. An AR-15 equipped with a suppressor is still about as loud as a jackhammer. Earlier this month, the [Washington Post](#) fact-checked similar statements on this topic made by Hillary Clinton and Tim Kaine and issued Kaine Two Pinocchios for his misleading remarks. The Post called the idea that suppressors make guns quiet "a movie myth," which might explain some of Hollywood's incredible ignorance on the matter.

Another celebrity carelessly asserts that "concealed carry reciprocity will make our communities less safe." By examining permit revocation data, it has been determined that Right-to-Carry permit holders are among the nation's most law-abiding demographics. Moreover, no legitimate study has shown that concealed carry laws lead to an increase in crime.

As a veteran in grassroots politics, NRA encourages vigorous participation in the democratic process. At the same time, however, public policy debates should be driven by the facts, not celebrity-driven emotion. We urge NRA members and supporters to reach out to their Member of Congress and Senators to express their strong support of [Right-to-Carry reciprocity](#) and the [SHARE Act](#). You can call your U.S. Representative and U.S. Senators at 202-224-3121.

ANTI-GUN EFFORTS BEGIN IN 2018 LEGISLATIVE SESSION

On December 14th the first round in the 2018 Legislative Session was fired by anti-gun legislator House Majority Leader, Valerie Longhurst. As we all know, after the tragedy in Las Vegas, there began a howl and cry for more "common sense" gun regulation. While we all realize what a farce this statement is, our House Majority Leader, in the words of Rahm Emanuel, couldn't let a tragedy go to waste.

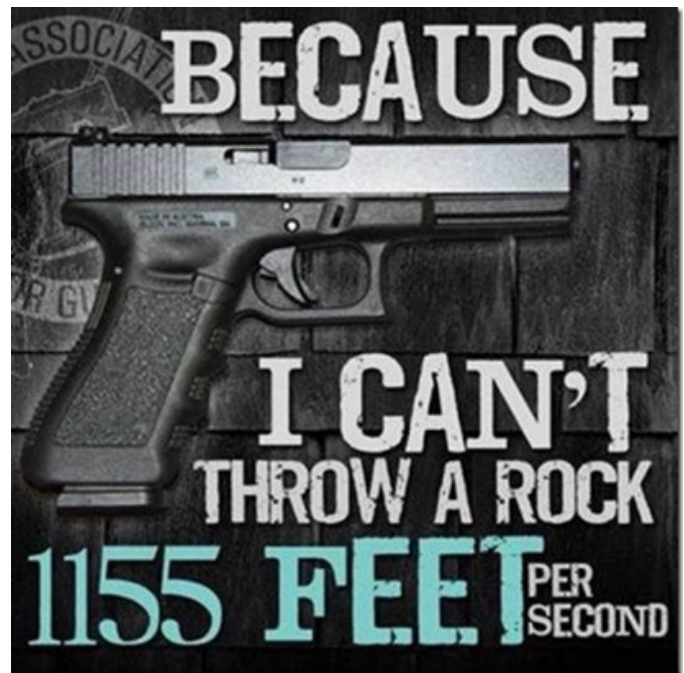
She has proposed a ban on the mere possession of a "bump-stock" and "trigger crank". There are no provisions for those who may already legally own these devices. Law abiding citizens will automatically become felons if the legislation passes in its current form.

She refused to wait for the ATF to finish its review of the current regulations regarding these devices. She needed to make a political statement, since she is running for re-election this year. It was the usual, to hell with people, let's exploit an issue.

Regardless of your feelings about these devices, the simple fact that many of us could become instant criminals should be enough to get involved and contact your Representative and express your displeasure at this approach.

The legislation is House Bill 300. Rest assured we are going to do everything we can to prevent this from happening.

DSSA Editorial:



THE BEST NEW HANDGUNS OF 2017

by Justin Opinion

"It was the best of times, it was the worst of times", begins one of America's great novels. The line alluded to the fact that even during social, economic, or political tribulations there can come wonderful things, and in some ways those tribulations themselves create the proper conditions for other forms of prosperity. Such is the case in the world of firearms. The constant assault on our fundamental right to keep and bear arms has directly or indirectly led to the most plentiful firearms market the world has ever seen. Demand has been so high for so long, that manufacturers have been more willing to risk capital on new innovations and designs, and the ever-

increasing competition in the marketplace has insured that those who don't will soon be left behind. As we bid a fond farewell to 2017, there are many "worst of times" elements on which we can focus. But I'd like to look to 2018 with optimism and focus on the "best of times" part of it, by briefly presenting what I consider to be some of the best new handguns brought to market this year.

Every one of these handguns is worthy of a full article – and I've written some – but I'll keep it short and sweet here and tell you why I think the gun is relevant, what's good about it, and why you might be interested. Think of this as a post-season-gift-list for those whom Santa might have forgotten something important.

Smith & Wesson M&P 2.0 Compact – I'm going to lay it on the line here by telling you up front that I think this is the best of the bunch. This gun fills a vacancy in Smith's catalog that is long overdue. It sits in that sweet size category between full size duty pistol and sub-compact (think Glock 19). It has plenty of barrel and a grip large enough to get all your fingers around, yet is small enough for concealed carry even under light garments. But just fitting a mold doesn't put it on the list – Smith got this one right, with the 2.0 upgrades to grip texture and trigger feel, while retaining all the famous features of the original M&P line, including magazine and holster compatibility. If you're shopping for a pistol in this size range, you need to put this one on your list. Comes in 9mm and .40 SW currently, and MSRP is \$569.



Smith & Wesson M&P m2.0 Compact

Beretta APX – Also throwing its hat in the ring for the military sidearm contract was Beretta, who was a long-odds contender even though it was the incumbent. And while it didn't get the attention in the gun media that I think it deserves, the APX in 9mm is a fine pistol. Perhaps my most pleasant surprise of the year. With a rugged appearance and putting function over form, this gun is a fun shooter and is accurate and reliable. The grip is also particularly friendly to smaller hands. Costing \$575, it's one you should look at.

H&K HK VP9SK – If you made it past that alphabet soup, you might be familiar with Heckler & Koch, one of the world's premier small arms makers, and – cover your ears Glock fans – the company that invented the polymer framed handgun. Following the incredible



Beretta APX

commercial success of the VP9, the new variant with the SK suffix (which stands for "Sub-Kompact") is a smaller and lighter version designed for the concealed carry market. With peculiar features like cocking-assist tabs and European style magazine release paddles in the trigger guard, newcomers to the brand will see it as an oddity. But make no mistake; it is a top of line handgun – as is reflected by the list price of \$719 for the base model and \$819 for the law enforcement (LE) model, which adds night sights and an extra magazine.



Heckler & Koch HK VP9SK

SIG Sauer P320 X-Five – This pistol was designed with competition in mind. Particularly the combat-oriented sports, like IDPA and USPSA. It's like a polymer framed race gun right out of the box – with adjustable sights that include a fiber optic front, a steel magwell for faster reloads, and four 21-round magazines. It's also a big boy, with an overall length of 8 ½" and standing almost 6" tall. The 9mm bull barrel and full length dust cover give the gun good balance against the steel weight inserted into the backstrap, providing almost 36 ounces of evenly distributed weight that makes recoil feel soft and keeps the sights on target. It'll cost you, though. With an MSRP of \$1,005 it tops this list in price – but also in features. Not the least of which is a crisp short-stroke flat trigger that is a dream to run fast.



SIG Sauer P320 X-Five

Glock 17 Gen5 – Yes, Glock introduced a new model this year – two in fact. The G17 and G19 in Gen5 (that’s fifth generation if you don’t speak Glockish). Both 9mm, and separated in design only by a slight sizing difference and two rounds of standard capacity, the G17 is the larger of the two and holds 17 rounds in its magazine. While likely aimed for the military trials, the Gen5 Glock made it to production to support the FBI’s new specifications for a sidearm and was awarded that contract. The commercial version differs little from the one that special agents will be issued. Most noticeable among the changes is the lack of finger grooves molded into the polymer handle of the pistol – something even Glock lovers have long complained about. It is also now more left-hander friendly with a slide stop/release on both sides of the pistol and the ability (as previously existed) to reverse the magazine catch. Sporting a darker new finish that might be more durable, three magazines, optional grip size adjustments, and retail price around \$650, the new Glock will surely sell well.



Glock 17 Gen5

CZ P-10 C – The “cool” people in the gun world know that some of the finest firearms in the world are made in the Czech Republic. This is true today and has been true for decades. For 2017, the Czechs offered us a new polymer framed, striker-fired handgun to compete among some of the world’s most popular staples. The 4” barrel 15-shot pistol has dared to challenge the reigning king, Glock 19 for market share. And it will get some – maybe a lot. It’s a very nice handgun, with a much better trigger than any Glock ever made, better sights standard, and fits in a Glock 19 or 17 holster. The P-10 C (“C” for compact) also has very good ergonomics and recoil management. By all initial accounts it is durable and reliable, and very accurate. Best of all, the asking price is just \$499. Comes with two magazines, if you can find one in stock

anywhere – which may be the only real negative at this time. It’s another one you need to look closely at.



CZ P-10 C

No doubt I’ve left off a favorite or two, or favored the wrong gun over another for some folks. That’s what makes a horse race. But hope I’ve given you some starter intel that will have you sounding like you know what you’re doing at the gun counter after you realize that Santa didn’t get the memo. Whatever you choose, remember that you’re able to do so because in America we cherish our freedoms, and there are not many we cherish more than our right to keep and bear arms. And by all forecasts, it looks like we’re in for another year of combat with those who would love to see us lose that precious right. You’ll probably save a few bucks on that new gun during the post-holiday sales that are bound to occur. Why not use some of that money to help ensure that DSSA and NRA have the funds that are going to be critical to represent our interests and be certain that the law makers in Dover and Washington DC know we’re here and we’re serious. Let’s keep the worst of times from becoming reality.

ANOMALIES IN THE LAW

By John C. Sigler, Esq.

The title of this article is “*Anomalies in the Law*”, but perhaps a better title would be “*Things that Make You Say, “Huh?”*”

The law is full of anomalies and things that really don’t make a lot of sense to the average citizen. For instance, did you know that a boat, a car, a train, and an airplane are all “buildings” under Delaware law? Well they are.

Example: For purposes of defining “Burglary” under Delaware’s Criminal Code, a “building” is defined as follows:

“Building”, In addition to its ordinary meaning, includes any structure, vehicle or watercraft”, 11 Del. C. §222(1), and a “Vehicle includes any means in or by which someone travels or something is carried or conveyed or a means of conveyance or transport, whether or not propelled by its own power”. See 11 Del. C. §222(30).

So why did the General Assembly do that? Well, probably because they wanted to be inclusive and they wanted to punish thieves who broke into cars, trains, boats, and airplanes the same as they punish a thief who broke into your business,

garage, barn or shed – or chicken house. In other words, there was a motive and a method to their madness.

OK, so what's that got to do with the Second Amendment, hunters, and sportsmen, you ask? Probably nothing. But here's an anomaly that does affect hunters and sportsmen, and may affect the Second Amendment and your right to keep and bear arms:

The definition of a "firearm" within the Delaware Criminal Code is as follows: "Firearm includes any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun". 11 Del.C. §222(12).

Well, under that definition a crossbow is a firearm because it uses "mechanical means" to discharge an object known as a bolt. Likewise, a compound bow is a firearm because it uses mechanical means to discharge an object known as an arrow. And for that matter, if you apply your basic scientific definition of the term "mechanical means", even a traditional long bow could be considered a firearm under that definition – but why would "they" do that?

Good question! It becomes an even better question when you consider the definition of a "firearm" under federal law.

The federal law defines a "firearm" as being "(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 muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm". 18 U.S.C.A §921(a)(3).

Well now, there's an anomaly if ever I saw one! A federal law that makes more sense than a state law! At least the federal definition of a firearm has something to do with fire.

Now here's one last anomaly for your consideration. We all know that Delaware law requires a criminal background check to be conducted prior to most sales or transfers of most "firearms", as that term is defined in Section 222, above. That same law says that the criminal background check is to be conducted pursuant to **federal law**. (See 11 Del.C. §1448A(a)(You may remember this little rascal as the infamous "HB 35" from a few years ago – didn't make much sense then either).

So, Section 1448A, by its very terms, seems to require that criminal background checks must be performed prior to sales and transfers of firearms, and that includes crossbows, compound bow and probably long bows – yet the federal statutes only permit the NICS center to perform background checks where real firearms (as defined by federal law) are involved. I would be willing to bet that if Cabela's or some other reputable FFL called in a NICS check of a crossbow as required by the very clear terms of Delaware's law, they would receive a less-than-pleasant response from the NICS center – wouldn't you?

And no here's the real kicker - when the Delaware Department of Justice was asked about the possibility of correcting this anomaly, they said they wanted to leave the

anomaly in place and would oppose legislation to clear up this nonsensical, over-zealous legislative drafting error – why?

Why does the Delaware Attorney General want to keep this nonsensical definition in place? What is it that he wants to do with this anomaly? What game of "gotcha" does he intend to play against an unsuspecting hunter, archery enthusiast, or otherwise law-abiding FFL? What's his motive? What's he up to? Who does he intend to prosecute?

I don't know. Maybe you should ask him?

Call for Articles

Would you like to be published in the DSSA News Letter? Publicize your Club's activities or special events. Found a great article that you want to share with Delaware Sportsmen?

Please send your article or special event to:

Roger T. Boyce

Vice President

DSSA

rogerb@systemsapproachltd.com

PRESIDENT'S CORNER

Well, another year has flown by. 2017 is now part of history. There were many good things that happened, especially the Supreme Court decision that once again affirmed our Constitutional Right, under Article I, Section 20, of the Delaware Constitution, to keep and bear arms. However, that fight is not over. As was mentioned earlier in the newsletter, DNREC and DOA are about to issue regulations that may well infringe on our rights again.

This newsletter will be arriving shortly after the 2018 Legislative session begins. We all know that there will be anti-gun efforts by legislators as the election season winds up. They all need campaign pieces for their re-election bid. Rest assured we will be watching.

I want to wish everyone a happy and prosperous New Year. Go out and enjoy the shooting sports. Take a friend out shooting, introduce a youngster to the joys of shooting.

Don't forget:

Annual Membership Meeting

Saturday, January 27th

FOP Lodge

Kitts Hummock

Doors open at 11:00 p.m

Business Meeting 1:00 p.m.