



**AFFILIATED WITH THE NATIONAL RIFLE ASSOCIATION  
A PUBLICATION OF THE DELAWARE STATE SPORTSMEN'S ASSOCIATION**

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## **PRESIDENT'S CORNER**

There is finally some movement on your court challenges to the semi-auto and magazine capacity bans. On February 24<sup>th</sup> oral arguments were held in Federal District Court in Wilmington. The hearing was scheduled for two hours, however, Judge Andrews extended the time to almost 4 hours. If the courtroom had been a ship it would have capsized due to the 19 people the state had its side as compared to the 3 people we had on ours. If it hadn't been a serious matter it would have been comical. It was interesting to see the two Deputy Attorney's General present to simply introduce themselves and then defer the rest of the hearing to the hired guns of the outside law firm that AG Jennings has hired, with our tax dollars. Also present and being paid by our tax dollars were two "experts" that the State had wished to call as witnesses, except the Judge said no. I estimate they were being paid around \$1,500.00 per hour to sit there.

It was obvious the Judge was very well prepared. He had read all the briefings and exhibits that had been submitted. He provided adequate time to both sides and asked many pertinent questions. He gave no indication as to which way he was leaning. He understands the need for a fairly quick ruling. However, not sure what his definition of quick is.

Meanwhile, the folks in the puzzle palace did pass one piece of ridiculous legislation. Senate Concurrent Resolution 12, which declares gun violence a public health crisis. This is identical to a resolution that was attempted and died last year. The difference was after passing the Senate, which was a foregone conclusion, it was rushed immediately to the House, introduced and passed by a voice vote 48 minutes after passing the Senate. This points out how radical this progressive socialist General Assembly is. The socialist progressives in the building did not want there to be any chance for our side to engage in any thoughtful discussion. This demonstrates that democracy is very much in danger in Delaware.

Rumors have been circulating since the opening of this current session that "Permit to Purchase" is coming soon. At this point it has not been introduced. One can only hope that there is a modicum of common sense somewhere in the puzzle

palace that will understand that since the *Bruen* decision any permitting scheme is unconstitutional.

DSSA is having a banquet this coming Friday, April 21<sup>st</sup> at the Modern Maturity Center. This is a fund raising event to help with the legal bills that we have and will continue to incur. See the flyer at the end of this newsletter.

Jeff Hague  
President

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## **WOMEN, STOP Accepting LESS**

**By: Erin Chronister**

**Protection From Abuse orders are INVALID and Unconstitutional** when it comes to removing a person's 2nd Amendment rights. They always have been and the recent ruling from a Texas court changes nothing.

The ruling simply points out what's already fact. Accused individuals who are not adjudicated through a criminal court proceeding cannot have their rights removed through a civil (PFA, LVPO, ERPO) proceeding. The same applies to those with severe mental health disorders but have not been adjudicated as mentally ill or found guilty of a crime in a court of law.

**This ruling further explains to the public** why state laws surrounding the prohibition of firearms for these individuals are written the way they are, and why NICS (National Instant Background check system) doesn't see subjects of civil orders as being disqualified from purchasing firearms.

The states knew civil orders were just a bogus peace offering and the Delaware Code uses terms such as "voluntary relinquishment" rather than concrete terms like "removal" or "confiscation" for this reason. This has allowed states to cut costs (and corners) when it comes to women's & public safety.

**There are provisions for those who are violent to be** charged, prosecuted, and removed from society through a criminal court procedure. These provisions include protections for both the accused and the victim to ensure a fair trial within the criminal justice system. "Innocent until proven guilty" is the entire foundation of our legal rights system. Not a single

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provision exists that allows rights to be removed from individuals or groups of individuals based on civil suits where the accused are never convicted of a single crime and, quite often, aren't even present for their own hearing.

**Protection from abuse orders are a continuation of the old-time, male driven patriarchy** that demanded women be seen and not heard.

"Shhhhhhhhh. How dare you demand your abusers be held accountable for the violence they have committed against you!"

"Wife beating", as it was historically termed, wasn't made illegal until 1920. Still, the criminal justice system didn't start treating it like a crime until the 70's, after domestic violence was transferred to the Family Court system where it's almost impossible to criminalize and charge an abuser.

**With the transfer to Family Court in the 70's came the implementation of protective orders.** This allowed a judge to write a letter to the abuser telling them to voluntarily turn over their guns and stop assaulting their victim... Or else ((shakes fist)), avoiding a criminal trial altogether.

To this day, there are zero laws on the books in Delaware that criminalize domestic abuse and even crimes defined in Title 11 of the Delaware Criminal Code are rarely prosecuted in relation to incidents of domestic violence. Often, they are simply written off as domestic disputes, unconsciously inferring that a victim's refusal to submit to maltreatment is still an offense worthy of discipline.

Without a deep understanding of the Constitution, PFA's truly seemed like a win for women, especially just coming from a time where "wife beating" was legal and regulated by state law to ensure the "discipline" was done fairly.

*As a reality check, laws criminalizing rape have existed since c. 1900 B.C., while husbands were legally allowed to rape their wives until Michigan redefined "rape" to include spousal rape in 1974. Georgia was the last state to redefine rape and criminalize it within marriages in 1996. Prior to this the law specifically allowed spousal rape and even lawmakers agreed it was the woman's obligation to provide sexually within a marriage.*

**Each year, over 20 thousand incidents of domestic violence** are reported in Delaware. Despite the fact that our Dept. of Justice believes domestic crimes are severely underreported, it has yet to be taken seriously. Protection from Abuse orders are a way of knowingly manipulating victims into a false sense of security by leading people to believe firearms and other deadly weapons will be removed from the abusers possession. In reality, only those who choose to turn over their weapons actually do so while others face no enforceable legal consequences by continuing to possess them.

**Have faith in the Constitution.... but, not so much in mankind.** The Federal Constitution was brilliantly written and it was written for all people. The fact that the original document never mentioned race or gender, instead using words such as "person" or "people", shows this. However, it was indeed a "man's world" and these laws were implemented on a state level where hierarchies existed within society and perceived gender roles ruled.

**Democrats fought vigorously this past session to pass even more unconstitutional laws** that have and will disarm victims of violent crimes and lawful people. Yet, they did nothing to rectify the breakdowns within the criminal justice system that enable and embolden violent offenders. Despite knowing these laws were unconstitutional they chose to waste your valuable tax dollars on pushing fancied legislation with emotional pleas, lies, and more false promises of safety that are unenforceable.

**As women who vigorously fought for the right to vote,** it is time we stop allowing these biased interpretations to continue to be utilized within our state. It's past time we, as a whole, recognize the gaslighting manipulation being handed to us with the intent to silence those who dare demand more.

If a person is deemed dangerous enough to have their inherent rights removed, they are dangerous enough to be charged and prosecuted for the crimes of violence they commit.

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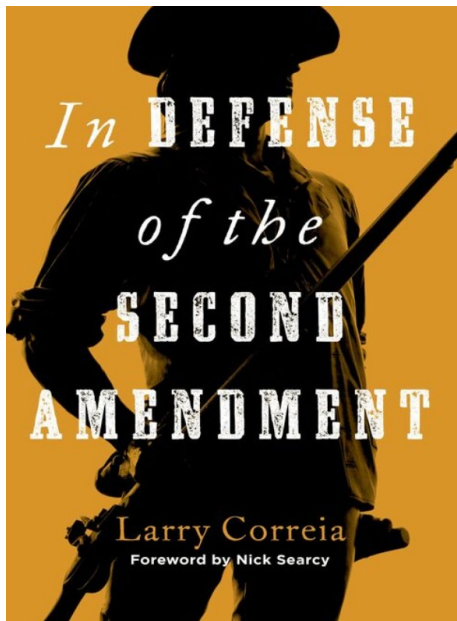
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**Book Review: In Defense of the Second Amendment, by Larry Correia**  
By: Curtis Clements



I first learned of this book while watching an episode of The Four Boxes Diner, a pro-2A podcast series on YouTube, hosted by gun rights attorney Mark Smith. He was interviewing the author, Larry Correia. Now I must admit, I had not heard of Mr. Correia, nor was I familiar with any of his other writing, but as I listened to the interview, I very quickly decided that I absolutely had to get this book, which was just published in January. Those of you who are fans of urban fantasy and sci-fi thrillers may have read some of his works of fiction, especially his Monster Hunter series. There is absolutely no fiction in this book, however.

Before devoting himself to writing full-time, Mr. Correia was a gun store owner and FFL who was licensed to sell machine guns, suppressors and other heavily regulated items. He is also a long-time CCW instructor in the State of Utah, so In Defense of the Second Amendment is a book written for “gun guys (and gals!)” by another gun guy. This is not an academic treatise or a book full of boring statistics. Rather, it is a hard-hitting, no-holds-barred, tell-it-like-is explanation of what is going on today, relative to the never-ending assault on the rights protected by the Second Amendment. He talks about what we, in the gun culture, must do to win the legal battles and the PR-fight in this culture war in which we find ourselves – in short, to defend the Second Amendment.

The book is witty, laced with sarcasm aimed at both the “gun control” crowd and the uninformed, ignorant and/or careless gun owners who provide our enemies with ammunition to use against us. It is especially pointed in its attacks on the elites who push their agenda of “control” while cloaking it in euphemisms like “gun violence reduction.” He makes it clear that their ultimate endgame is our complete and

total disarmament so that they can have total control of our daily lives and establish themselves as our rulers. It is not a screed. It is logical and fully annotated for anyone wanting to “fact check” his statistics and descriptions of events. He highlights the hypocrisy of the liberal media in covering the gun debate and along the way he covers all of the various ploys advanced by the gun control crowd, from using tragedy to push their agenda through all of the measures which they advocate under the heading of “Do Something” after every tragic event. He systematically shreds each and every one of them with arguments which you will enjoy reading and filing away in the back of your mind to bring out the next time you find yourself in a discussion with your neighbor wearing a red “Moms Demand Action” t-shirt.

It is not a long read, at only about 190 pages, but if you are serious about the Second Amendment and want to do your part to help preserve, protect and defend it, I strongly recommend that you add a copy to your library at home. If nothing else, you will find that it affirms a lot of what you already know and believe, and you will find yourself saying “damn straight” several times after reading almost every page in the book!

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**It's SHOOTING SEASON!**

By: Frank Nedza

For the hardcore, it is always shooting season, but for those of us that are 'fair weather' shooters, spring brings with it visions of spending time on the range with friends. Personally, I miss all my shooting buddies, and look forward to match season. I hope to convince you to join up with us as the warm weather beckons.

Many times when talking with folks who are asking about the club, perhaps interested in joining, and shooting ‘stuff’ in general, they will eventually learn that I shoot competitively. Nearly 100 percent of the time I hear that ‘someday, when I get good enough, I want to try that’. My response is that someday is NOW! As long as you can safely handle a firearm, you are ready to go to a match. The reasons not to go are usually focused around not being ‘good enough’. So, when does ‘good enough’ happen? When you can shoot all X’s? All 10’s? At the 90% level? I don’t know of a single seasoned competitor who is not trying to do better at every match, so that reason runs out of steam quickly. We ALL want to do better.

Please, don't be afraid of looking foolish. Classifications exist for a reason –in NRA Highpower and Bullseye, we have Marksman, Sharpshooter, Expert, Master, and High Master level classifications. The other shooting disciplines have similar classifications. You are only really competing against folks of similar abilities and experience (truly, you are only competing against yourself, but that is another story...). The most accomplished High Master likely started out as a ‘lowly’ Marksman, and worked hard to get where he or she is today.

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Are you afraid that you don't know what to do at the range during a match? Welcome to the club –none of us knew what to do at our first match, or our second or third even, but if you show up, and tell the match director that you are new to the sport and would like some help, he or she will likely assign you to someone who can help you, and there you go –you made a new friend, and potentially a new shooting buddy.

Are you afraid of not having a zero for the match distance or not being able to hit the target? If you show up with a zero for any distance, experienced shooters will be able to 'get you on paper' fairly quickly, with a minimum of sweat. If you don't connect with the target every time, well, so what? I don't think there is a shooter out there who hasn't shot a miss once or twice at some point. Unless you are REALLY talented, you probably won't win the match, or your class, in your first match.

There are a lot of reasons why you SHOULD go to a match. The first reason is the people you will meet. You are going to meet some of the nicest men and women on the planet. You already know that shooters are good folks, right? Well, so are competitive shooters. That said, many competitive shooters might not want to chat while they are getting set up to shoot, so keep that in mind and ask beforehand about bugging them right before they shoot. Also, keep the chatter to a minimum on or near the firing line, as people are trying to concentrate. Please be considerate of other shooters, and move back off the line to chat or ask questions.

The second reason is the VAST amount of shooting knowledge present at any match –highpower, IDPA, Cowboy Action, Benchrest, you name it. You will learn more about shooting in a couple of matches than you will ever learn shooting by yourself. Mostly because all of us there have made all the mistakes that every shooter does, already! Perhaps we can help you avoid some of them, and put you on track to be a better shooter, quicker.

The third reason is that nobody but you cares about how you did. That might sound terrible, but really, all of us are more concerned with how WE did, than how you did. How DID I leak that nine (or worse) out?

The fourth reason that you should participate in a match is pride. After the match, no matter how well or poorly you did, you should be proud that you took the first step in what will hopefully be a long, rewarding, and fun-filled pass-time. After that first match, YOU are the one who can tell your non match shooting friends about match shooting, and maybe get some of them to come with you next time.

The fifth reason is FUN. Shooting is FUN, right? Spending time at the range is FUN! How can a day spent at the range be a bad thing?

The last reason is once again the people. The shooting sports are full of great people who are willing to help you out and help you learn. More often than not, given time, you will make good friends, and have new shooting buddies to share your love of shooting with, and THAT is the best reason I can think of to get to your first match.

If I have done my job properly, you are now itching to get started.

At Bridgeville Rifle and Pistol Club hosted events you can get involved in (to highlight a few of the disciplines offered):

**Highpower Rifle:** 2<sup>nd</sup> and 4<sup>th</sup> weekends of each month

**IDPA:** 1<sup>st</sup> and 3<sup>rd</sup> Saturday, and EVERY Wednesday

**Cowboy Action:** 3<sup>rd</sup> Sunday of each month

**Benchrest:** 3<sup>rd</sup> Sunday of each month

There is also MARS (Modern American Rimfire) shooting, PRS Practice, Well Armed Women, Senior Olympics, and much more to get involved with.

You can check the event calendar here:

<https://brpc-de.com/events/>

Your spot on the firing line and your new friends are waiting for you...

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## **BRACE FOR IMPACT!!!**

**By: D. Fender O'Freedom**

As most of you undoubtedly are aware by now, on January 31, 2023, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE, or as more commonly known, ATF) issued a rule entitled "Factoring Criteria for Firearms with Attached 'Stabilizing Braces' "(aka "The Rule"). With publication of this rule, the ATF reversed its position of over a decade that the attachment of devices known as stabilizing braces to a firearm, otherwise legitimately classified as a pistol, did not change its classification to a "short-barreled rifle," an item heavily regulated under existing federal law (i.e., the National Firearms Act of 1934 [NFA] and the Gun Control Act of 1968 [GCA]), along with machine guns, short-barreled shotguns and suppressors. These so-called NFA items require registration, a separate background check, and payment of a \$200 tax. Once registered, there are a host of other restrictions which must be complied with for the remainder of the NFA item's existence.

The Rule was produced at the direction of the Biden White House, in an attempt to get, by executive fiat, what they knew was not likely to be obtained through the legislative process. This is another example of a "Do Something" which the gun control crowd calls for after any tragedy of mass violence perpetrated by a lunatic using a firearm in a category which they really, really despise. Two of the more recent, high-profile mass shootings were apparently perpetrated using stabilizing-brace-equipped pistols, and you know how the gun-control crowd hates to let any crisis, which they can twist to fit their preferred narrative, go to waste.

With the publication of The Rule in the Federal Register, overnight, the owners of an estimated 10 to 40 million pistols equipped with some variety of stabilizing brace, became the possessors of unregistered "short-barreled rifles", a crime punishable under federal law by imprisonment of up to 10 years and a fine of up to \$10,000 dollars (under the NFA) or

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imprisonment of up to 5 years and a fine of up to \$250,000 (under the GCA). In a “magnanimous gesture,” (yeah – I am being sarcastic) the ATF said that they would exercise enforcement discretion for a period of 120 days from the publication of The Rule to allow owners of said items to come into compliance in one of several ways.

The options to avoid federal felony prosecution include:

- a) surrender the firearm to the ATF,
- b) destroy the firearm,
- c) remove the stabilizing brace and either destroy it or otherwise render it non-re-attachable,
- d) remove the upper and replace it with one having a 16-inch barrel (making the use of the stabilizing brace moot), or
- e) make application to register the firearm as a “short-barreled rifle” with waiver of the \$200 fee for a tax stamp.

From the perspective of the millions of people who, in good faith, went to a properly licensed Federal Firearms dealer, bought a perfectly legal product, made by authorized, legal manufacturers (with the knowledge and approval of the ATF), filled out the Form 4473, passed the NICS background check, and have used the product for nothing but lawful purposes, none of these options are particularly appealing. In some states, the last option is not even an option, as those states do not currently allow legal possession of a short-barreled rifle. In others, it is a crime unless the owner has the requisite NFA tax stamp. In those jurisdictions, in the opinion of some lawyers, the owners are likely already in potential violation of their state laws and the states are not bound to follow the lead of the ATF and use “prosecutorial discretion” in the enforcement of said laws. So, the mere act of attempting to register a pistol equipped with one of the stabilizing braces which ATF says now make it a short-barreled rifle, could subject you to self-incrimination without even realizing it. The information required by the ATF on Form 1 provides an anti-gun DA, who may be so inclined, with everything needed to come to your home with a search warrant, seize your property and place you under arrest. As a result, some pundits have predicted a record number of boating accidents in the coming months.

This de facto ultimatum put the ATF and the gun-owning public on a direct collision course, for which the owners of pistols with stabilizing braces must now **BRACE FOR IMPACT!!!**

The “collision” (which, given the rate at which judicial proceedings work, may be more likely analogous to a slow-moving train wreck – with no disrespect intended for the victims of the actual train wreck in East Palestine, OH) has already begun. As of this writing, multiple lawsuits have been filed in Federal Courts, challenging The Rule. By the time this newsletter reaches your email In Box, there will likely be even more. As of this moment, there are seven which have specifically come to my attention. The major players, thus far, include the National Rifle Association (NRA), the Gun Owners

of America (GOA), The Second Amendment Foundation and the Firearms Policy Coalition (FPC), all of which are associated with, or supporting, one of these the legal actions, either behind the scenes or as named plaintiffs. Of special note, the Attorneys General for 25 states are plaintiffs in one of these suits and the Attorney General of Texas is a plaintiff in another. A fifth lawsuit was filed on behalf of three individual plaintiffs by The Wisconsin Institute for Law and Liberty, LLC, a sixth complaint was filed on behalf of a single plaintiff by attorneys for the Texas Public Policy Foundation, and a seventh lawsuit was filed by a Florida law firm on behalf of three individuals who are residents of the state, as well as one Florida-based corporation.

**Specifically, we have:**

- In the United States District Court for the Southern District of Texas – Victoria Division, the State of Texas, Gun Owners of America, Inc., Gun Owners Foundation and Brady Brown versus Bureau of Alcohol, Tobacco, Firearms and Explosives, United States Department of Justice (DOJ) and Steven M. Dettelbach in his official capacity as the Director of ATF.
- In the United States District Court for the Northern District of Texas (no Division noted), William T. Mock, Christopher Lewis and the Firearms Policy Coalition, Inc. versus Merrick Garland, in his official capacity as Attorney General of the United States Department of Justice, Steven Dettelbach, in his official capacity as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.
- In the United States District Court for the Northern District of Texas – Amarillo Division, Darren A. Britto, Gabriel A. Tauscher, and Shawn M. Kroll versus the Bureau of Alcohol, Tobacco, Firearms and Explosives.
- In the United States District Court for the Northern District of Texas – Dallas Division, the Second Amendment Foundation, Inc., Rainier Arms, LLC, Samuel Walley and William Green versus the Bureau of Alcohol, Tobacco, Firearms and Explosives, Steven M. Dettelbach, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Department of Justice, and Merrick B. Garland, in his official capacity as Attorney General of the United States. [Note: This was the first suit filed over the pistol brace rule, back on January 15, 2021, but it was stayed by the court in anticipation of the rule being published. It was

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reactivated on February 17, 2023, when the plaintiffs filed an amended complaint.]

- In the United States District Court for the Eastern District of Texas – Sherman Division, Blake J. Waterson versus the Bureau of Alcohol, Tobacco, Firearms and Explosives, Steven Dettelbach, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Department of Justice, Merrick Garland, in his official capacity as Attorney General of the United States, and, the United States of America (as a government entity which can be sued under the Administrative Procedure Act).
- In the United States District Court for the District of North Dakota – Western Division, the Firearms Regulatory Accountability Coalition, Inc., NST Global, LLC d/b/a SB Tactical, B&T USA, LLC, Richard Cicero and the States of West Virginia, North Dakota, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Hampshire, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, Virginia and Wyoming versus Merrick Garland, in his official capacity as Attorney General of the United States Department of Justice, the Bureau of Alcohol, Tobacco, Firearms and Explosives and Steven Dettelbach, in his official capacity as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. [This is the suit which has heavy support from the NRA.]
- In the United States District Court for the Middle District of Florida - Josiah Colon, Brandon Kling, Eric Mele, William Martin and 2<sup>nd</sup> Amendment Armory, a Florida profit corporation versus the Bureau of Alcohol, Tobacco, Firearms and Explosives, Steven Dettelbach, in his official capacity as the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States Department of Justice and Merrick B. Garland, in his official capacity as Attorney General of the United States Department of Justice.

Plaintiffs in several of these actions include several who are disabled veterans. For these folks, the stabilizing braces have enabled them to overcome the limitations of their injuries and be able to once again safely and effectively use firearms for recreational shooting, competitive shooting, hunting and/or self-defense. Many more individuals in this category are represented indirectly through the participation of the Attorneys Generals of the states in which they reside.

As of this writing, the suit being brought by Blake Waterson, with representation by the Texas Public Policy Foundation may warrant some special attention. It is the first of the suits filed, at least to the best of my knowledge, which has been granted an expedited hearing date relative to a motion for some type of injunction or restraining order. Circle March 24, 2023, on your calendars and keep an eye on this one! The *Mock v. Garland* suit, which involves the FPC as a plaintiff, has also now been scheduled for a hearing on a preliminary injunction on March 17, 2023. So, we will have to see what comes out of these hearings and which one results in some type of decision first!

In what may be noteworthy from the perspective of legal strategy and tactics, the five Texas-based cases have been filed in different divisions within three of the four District Courts within the state, all of which are in the Fifth Circuit, while the North Dakota suit was filed in the Eighth Circuit and the Florida suit was filed in the Eleventh Circuit. I do not know much about the judges within these specific courts, but by spreading the lawsuits out within circuits with a history of more originalist-aligned decisions, the attorneys bringing the actions appear to be trying to maximize the chances of getting one or more restraining orders granted. It looks like it is not just the anti-gun crowd who has learned to go “jurisdiction shopping” (and it is about time!).

Now, I am not an attorney, so nothing in this article should be interpreted as legal advice or even as legally sound. That disclaimer properly made, let me offer a layman’s interpretation of what I see the basic strategy being in these legal actions. While they are all somewhat different, they are all following a similar approach, first attacking the legality of the ATF’s action relative to various aspects of the Administrative Procedure Act (APA) and only then raising the potential issues involving the Second Amendment, and in some instances, the Due Process clauses of the Fifth and Fourteenth Amendments. This gives the judges in these cases the chance to rule on their merits relative to the government’s actions on a basis not involving their constitutionality relative to a fundamental right. As a matter of practice, this is the preferred alternative in judicial doctrine, so an injunction, narrowly tailored relative to an alleged violation of the APA, is the most probable favorable outcome of these cases, at least in the early rounds.

Relative to the Administrative Procedure Act (APA), the primary issue being claimed is that the ATF is acting outside of its statutory authority, in arbitrarily redefining a “pistol” as a “rifle,” in direct conflict with the plain reading of the statutory language defining these terms in the NFA and GCA. Per The Rule, “. . . the Department amends the definition of “rifle” under 27 CFR 478.11 and 479.11 to expressly state that the term “designed or redesigned, made or remade, and intended to be fired from the shoulder” includes a weapon that is equipped with an accessory, component or other rearward attachment (e.g., a “stabilizing brace”) that provides surface area that allows the weapon to be fired from the shoulder, provided other factors, as listed in the amended regulations

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and described in this preamble, indicate the weapon is designed, made, and intended to be fired from the shoulder.” In the words of one of the complaints “The Rule amounts to a rewrite of the Congressionally enacted statute to expand its scope and give ATF additional powers.”

Since only the Congress can legislate, The Rule raises another avenue of attack for violation of Separation of Powers. Here we have an executive branch agency which is attempting to change the language of a law, which is clearly outside of its purview. The APA says that courts shall “hold unlawful and set aside agency action, findings, and conclusions found to be [contrary to a constitutional power].”

A third line of attack under the APA is The Rule being invalid based on vagueness. Specifically, the complaints focus on one or more of the “other factors” which the ATF proposes to use to determine “intent” to be fired from the shoulder.

**These include (quoting from The Rule):**

- (1) whether the weapon has a weight and length consistent with the weight or length of similarly designed rifles;
- (2) whether the weapon has a length of pull, measured from the center of the trigger to the center of the shoulder stock or other rearward accessory, component or attachment (including an adjustable or telescoping attachment with the ability to lock in various positions along a buffer tube, receiver extension, or other attachment method), that is consistent with similarly designed rifles;
- (3) whether the weapon is equipped with sights or a scope with eye relief that require the weapon to be fired from the shoulder in order to be used as designed;
- (4) whether the surface area that allows the weapon to be fired from the shoulder is created by a buffer tube, receiver extension, or any other accessory, component or other rearward attachment that is necessary for the cycle of operations;
- (5) the manufacturer’s direct and indirect marketing and promotional materials indicating the intended use of the weapon; and
- (6) information demonstrating the likely use of the weapon in the general community.

The rule uses terms which it does not define and there is nothing in it which provides an objective, quantifiable basis sufficient to allow an owner to determine whether or not their firearm is covered by one or more of these “other factors” nor is there any information on how many of these factors must be satisfied in order for the firearm to be considered to be a “short barreled rifle” under ATF’s new definition of that term. Therefore some of the complaints call for the courts to strike down The Rule under the “void for vagueness doctrine.”

Additional alleged violations of the APA include complaints calling for the rule to be struck down on the basis

of being arbitrary and capricious. The APA says that courts shall “hold unlawful and set aside agency action, findings, conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.” The claim here is that starting in 2012 and in the years since, the ATF issued multiple Classification Letters and one Open Letter which explicitly and repeatedly said that the installation of a stabilizing brace does not convert an otherwise non-NFA regulated firearm into one which is NFA regulated. The sudden reversal of that position in The Rule is, to quote from one of the complaints “arbitrary, capricious, an abuse of discretion and otherwise not in accordance with the law and is therefore invalid... and must be set aside.”

And finally, while several of the complaints make other claims relative to the APA and related aspects of law, most of them conclude with an argument that The Rule violates the Second Amendment. Specifically, historically, any limitation on a firearm requires that it be both dangerous **and** unusual. In the case of pistols equipped with stabilizing braces, there is nothing to suggest that they are any more dangerous than any other protected class of firearms, and, with the ATF acknowledged number of 3 million to 7 million (versus an industry estimate of 10 to 40 million) of these firearms being in circulation, they are certainly not unusual. They are undeniably in common use for lawful purposes. Under the Heller and Bruen decisions by the Supreme Court, therefore, The Rule is in violation of the Second Amendment and should be struck down. (I wouldn’t hold my breath on this happening, but wouldn’t it be ironic?!?!?! Talk about unintended consequences!!! If one of these lawsuits was to lead to a major part of the NFA being struck down as unconstitutional, the most anti-gun president in recent history will have precipitated one of the most significant restorations of gun rights in almost a century!)

So, how will all of this play out in the courts? Well, at this point, your guess is as good as mine. This is an evolving situation and by the time you are reading this, there will likely have been new developments in the cases mentioned and probably even more legal actions brought. This particular battle may take well beyond the ATF 120-day grace period. So, my best advice, if this is an issue which potentially impacts you, is to keep your eyes and ears open, follow the court cases on-line, and, if in doubt, consult with a competent, qualified attorney. (Alternatively, you might consider buying a boat if you don’t already have one... ☺).

In the meantime, never forget that while this fight is framed as being about guns, it is actually all about CONTROL!!! Taking away our gun rights is a critical means to that end. So, you can help do your part by supporting the organizations (like DSSA, hint, hint) which are leading the charge in the on-going battle for our Constitutionally protected right to keep and bear arms!

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## HighPower Update

By: Frank Nedza

Ahhh, Spring –when a young man's (or maybe not so young anymore) fancy turns to the opening days of HIGHPOWER SEASON! Personally, I look forward to March, and the earliest (and generally warmest) regional mid-range matches, the "Orange Blossom Regional". This match is for conventional high power shooters (sling shooters) and is held every year about this time in sunny and warm Melbourne, Florida. Did I mention that it was sunny? And warm? I am not sure how many years that Brad and Terri have been running this match, but it is a 'must attend' for many of us northerners. This match lets us shake off the cobwebs, stretch out muscles that haven't been used since October or early November, and spend a week in the sun with all of our far-flung shooting pals.

This year, we had a fair contingent of Bridgeville shooters in attendance –enough to field 5 two-man teams and 2 four-man teams on Monday and Tuesday, March 13<sup>th</sup> and 14<sup>th</sup>. In the two-man teams, Joe Wawrszaszek and Tom Colston shot very well, earning a 2<sup>nd</sup> place for their efforts, with an 1192-68X (out of 1200 possible points). Jon Howell and Mike Schallow took a pretty good 4<sup>th</sup> place with a nice 1187-61X. Bridgeville shooters also took 7<sup>th</sup>, 8<sup>th</sup>, and 12<sup>th</sup> place team finishes (out of 20 teams). Some of us were even trying out newly replaced eyeballs for this match, with pretty good results.

In the 4-man team match, Bridgeville again did pretty well earning 4<sup>th</sup> and 6<sup>th</sup> places out of nine teams. More importantly though, we shook off some winter cobwebs, and started to remember how to work together as teams. If you haven't tried team matches before, I would encourage you to try them sometime this year at Bridgeville. Truly, there is no pressure, and you can learn a lot. Besides, you (as a shooter) aren't responsible for bad wind calls –that is your coach's job ☺.

In the 4 days of individual shooting, there were some highlights for sure. Bridgeville member Joe Wawrszaszek shot a pretty darned nice 2394-173X (out of 2400) for a solid third in the Any Rifle/Any Sight category, only 2 points and 10 X's behind the winner, Carl Bernosky. In the Palma Rifle category (iron sights and 223 or 308) perennial top shooter Jon Howell took the win with a nice 2387-146X, followed by Mike Schallow at 2381-125X. In fact, of the 10 Bridgeville members that attended this match, 8 were Palma shooters. I am not sure if that means anything other than that we might be hide-bound traditionalists, but there it is... ☺.

At the end of the day, and at the end of the post-match barbeque, the most important and lasting part of this most enjoyable match was the renewal of old friendships, and the meeting of new 'family' members. I hope to see my old friends, and some of you out there in the audience at some of our highpower matches at Bridgeville, starting Saturday, April 8<sup>th</sup>.

**You can see our schedule here:**

<https://brpc-de.com/high-power-rifle/>

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## In Case you missed it!

Submitted By: Vickie Prickett

### Self Defense:

<https://www.foxnews.com/politics/west-virginia-lawmakers-overwhelmingly-approve-nra-backed-campus-carry-bill-send-governor-signing>

<https://www.foxnews.com/us/atlanta-area-neighbor-hears-screams-shoots-man-who-stabbing-women-couldnt-sit-there>

<https://www.elpasotimes.com/story/news/crime/2023/02/17/by-stander-shot-cielo-vista-mall-shooter-as-suspect-fled-scene/>

<https://www.foxnews.com/us/elderly-florida-woman-shoots-armed-intruder-dead-3-am-decisive-action-stopped-threat>

<https://www.foxnews.com/us/fbi-undercounts-number-times-armed-citizens-thwarted-active-shooting-incidents-report>

### Legal News:

<https://www.newsbreak.com/news/2927768676060-repeal-of-110-year-old-pistol-law-clears-upper-chamber>

<https://www.foxnews.com/politics/illinois-loses-appeal-gun-control-law-leaving-restraining-order-effect>

### DOH!

<https://www.newsbreak.com/news/2921790935141-a-lawyer-died-after-his-concealed-gun-was-fired-by-an-mri-scanner-and-shot-him>

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## 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:**

**Carll Human  
Vice President  
DSSA**

[alien63@comcast.net](mailto:alien63@comcast.net)



DELAWARE STATE SPORTSMEN'S ASSOCIATION



Defending Our Right To Keep And Bear Arms

# FREEDOM BANQUET

**Friday April 21st**  
**Modern Maturity Center**  
**1121 Forrest Ave, Dover, DE**  
**Doors open @ 5:00 p.m. – Dinner @ 6:30 p.m.**

DSSA is starting off the new year with a dinner that will highlight our efforts over the past year to protect the rights of all Delawareans to keep and bear arms. As everyone is aware there are several court cases that are in progress that are challenging, what we believe are the unconstitutional efforts of the progressives in Legislative Hall, to restrict our rights.

Please join us in continuing the fight by coming out and enjoying an evening with like minded folks from all over.

Our guest speaker is Philip Schreier from the NRA's National Firearms Museum. Phil is a 5th generation native of Washington D.C. and a graduate of the University of Maryland. He has been a Curator at the NRA's National Firearms Museum since 1989 and the Director since 2022. He is a regular contributor to numerous gun and history related publications including American Rifleman, Man at Arms, Guns & Ammo, Wild West as well as many others. He has appeared frequently on the History Channel's Tales of the Gun, Modern Marvels, Haunted History and the Discovery Channel's Unsolved History. He has also been a guest curator and/or consultant to the White House, the Smithsonian Institution's National Museum of American History and the National Air & Space Museum as well as the Museum of the Former Texas Ranger Foundation and the NRA's Frank Brownell Museum of the Southwest in Raton, NM. In 2009 he embedded with the 1st MEB (Maneuver Enhancement Brigade) in Bagram, Afghanistan. He currently resides in Northern Virginia on the Manassas Battlefield.



**We will also have a**

- Silent Auction
- Door Prize(must be present to win)
- Live Auction

**Tickets:**

\$60 per person

\$600 per table (ten tickets)

\$800 for Exclusive tables (ten tickets) which are front and center and reserved.

Call Jeff Hague, 302-381-5628;

Vickie Pine, 302-275-9193

Mark Gibison, 302-561-0233

Email: [ticketsales@dssa.us](mailto:ticketsales@dssa.us)

DSSA Freedom Banquet Online Ticket sales: [BUY TICKETS](#)

Help sponsor the event!!!

Are you interested in purchasing an ad in the program booklet or donating an item for live or silent auction? Contact [Chuck HERE](#)

Program Ad Space

- \$200 – Full page middle of program
- \$150 – Full page inside cover of program
- \$100 – Full page of program
- \$50 – Half page of program
- \$25 – Quarter page of program