

Supreme Court rules warrantless home gun confiscation is unconstitutional in 9-0 vote

The Supreme Court ruled in May that warrantless gun confiscation from Americans' homes is unconstitutional, **voting unanimously** on the side of a Rhode Island man whose firearms were taken by law enforcement without a warrant after his wife expressed concerns that he might hurt himself.

According to Caniglia v Strom, a lower court had previously determined that police confiscating the guns without a warrant fell under the Fourth Amendment's "community caretaking" exception, but a 9-0 vote from the nation's top court struck down that ruling.

Justice Clarence Thomas wrote the unanimous opinion for the Supreme Court, stating that law enforcement can execute "many civic tasks in modern society," but there is "not an open-ended license to perform them anywhere."

"The very core of the Fourth Amendment," Thomas wrote, is the "right of a man to retreat into his own home and there be free from unreasonable search and seizure."

Some exceptions to the 4th Amendment do exist, including "exigent circumstances," Forbes reported. For instance, if an officer sees an individual about to shoot another person through the window of a home, that officer has the right to enter the home to prevent the attack.

Another exception – the one on which this case was based – is called "community caretaking." The Supreme Court previously determined that police can bypass the warrant requirement to perform "community caretaking functions, totally divorced from the detection, investigation, or acquisition of evidence relating to the violation of a criminal statute," noting a situation when police took a gun from the trunk of an impounded vehicle without a warrant.

"In reaching this conclusion, the Court noted that the officers who patrol the 'public highways' are often called to discharge noncriminal 'community caretaking functions,' such as responding to disabled vehicles or investigating accidents. But searches of vehicles and homes are constitutionally different, as the Cady opinion repeatedly stressed," Thomas wrote in the court's opinion.

In the case, Mr. Caniglia and his wife were arguing when he put an unloaded gun on their table and said, "shoot me now and get it over with." Following the argument, Caniglia's wife called the non-emergency police line, leading to a visit from law enforcement. The police convinced Mr. Caniglia to go to the hospital for psychological evaluation, despite disagreeing that his behavior was "abnormal" or "agitated."

While Mr. Caniglia was on his way to the hospital, his wife told the police that he had two pistols in the home, at which point the officers searched the home without a warrant; however, Mrs. Caniglia couldn't provide legal consent because the police lied, telling her that Mr. Caniglia had consented to the seizure of his firearms.

The officers subsequently located and confiscated the two handguns, prompting Mr. Caniglia to sue the police for allegedly violating his 4th Amendment rights.

Justice Samuel Alito wrote a concurring opinion for the ruling in which **he addressed existing "red flag" laws that also call into question Fourth Amendment rights.**

"This case also implicates another body of law that petitioner glossed over: the so-called "red flag" laws that some States are now enacting. These laws enable the police to seize guns pursuant to a court order to prevent their use for suicide or the infliction of harm on innocent persons," Alito wrote. "They typically specify the standard that must be met and the procedures that must be followed before firearms may be seized," he continued. "Provisions of red flag laws may be challenged under the Fourth Amendment, and those cases may come before us. Our decision today does not address those issues."

In March, the Biden administration urged the Supreme Court to uphold the lower court's ruling, arguing the actions taken by law enforcement to confiscate the petitioner's firearms without a warrant were "reasonable."

"The touchstone of the Fourth Amendment is reasonableness," the DOJ's brief stated. "For criminal investigations, this Court has generally incorporated the Warrant Clause into the Fourth Amendment's overarching reasonableness requirement, but it has not generally done so for searches or seizures objectively premised on justifications other than the investigation of wrongdoing."

"The ultimate question in this case is therefore not whether the respondent officers' actions fit within some narrow warrant exception, but instead whether those actions were reasonable. And under all the circumstances here, they were," the brief added.

"Perhaps the president should reissue his executive order and say that all immigrants and refugees coming into the country must undergo more severe background checks just in case they want to purchase a firearm. The Left would really be in a bind then!"

—Gary Bauer

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...dedicated to the restoration of the inalienable right to keep and bear arms as guaranteed by the 2nd Amendment

The Alliance is a regionally-based, grass-roots organization that seeks to:

- 1. Counter the designs of malicious legislators.
2. Confront the media's twisted portrayals of gun rights issues.
3. Politicize and activate gun owners in defense of their rights.
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8. Make politicians aware that gun owners are awakening from their accustomed apathy and WILL TOLERATE NO FURTHER EROSION OF THEIR FREEDOMS

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COMING EVENTS

Events may be cancelled at last minute due to Covid Restrictions.

WMSA

General Membership Meeting

7:00 PM

Sept. 28, 2021

Nov. 23, 2021

Bass Pro Conservation Room
Independence, MO

MVACA

Missouri Valley Arms Collectors Assn.

To BE Announced

KCI Expo Center
Kansas City, MO

R. K. Shows

Aug. 21-22, 2021

KCI Expo Center

Sept. 11-12, 2021

Cable-Dahmer Arena
Independence, MO

Lake Lotawana Gun & Knife Show

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29709 E Alley Rd.
Lake Lotawana, MO

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EXPO CENTER-EXPO SQUARE
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TULSA, OKLAHOMA

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Sept. 18, 2021

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LIBERTY NOTES

By Kevin L. Jamison

It is a Good Day for Liberty.

I had planned on holding a covid 19 mask shoot in September. Events conspire against me. The new "delta" variant is about the state and many places have resumed requiring them. Most of these places exempt persons who have been vaccinated. This gives me time to find someone who can loan me a Tommy Gun for the Great Event.

I was at a gun show at the Cable Dahmer expo center in Independence. I had to go through a metal detector to get in. My bag was searched. Consider this; I was checked for weapons before going into a gun show.

The Czech firearms firm CZ has purchased Colt Firearms. CZ makes excellent firearms. Their pistols seem to smuggle into the hand as if trying to take up residence.

The US 4th Circuit Court of Appeals covering Maryland, Virginia, West Virginia, North Carolina, and South Carolina, has ruled that it is unconstitutional to deny handguns to persons 18 to 20 year old. This will not be the final word on the subject. There may be a petition for the entire court to hear the case. It may be appealed to the Supreme Court.

I was on a radio program called Gary on Guns out of Columbia. There was another pro-gun lawyer on the program who claimed that the Second Amendment Preservation Act prevented local law enforcement from arresting Missourians for possessing unregistered machine guns. This is not what the law says. The law says that local law enforcement can assist the feds in cases involving crimes for which there is a Missouri equivalent. We have a law against possessing unregistered machine guns. I know he was working towards a specific defense but he was interpreting the law as wished it was written, not as it was. The bill did not repeal our machine gun law. If the defense I am thinking of is to work, I think it would have to repeal our machine gun law. Even if I am wrong, it is only a defense. It would be necessary to convince a number of judges; perhaps five or so. To do so will cost a great deal of money. Unless one has a 55 gallon drum stuffed with \$100 bills I would not take the chance.

I saw a report of a news crew doing a report on front of city hall on crime in the community. They were robbed. A Chicago man was released from jail, only to be shot 64 times when he stepped outside. The article said that he was the third person ambushed leaving the jail. Chicago lawyers may be plagued with clients demanding to remain in jail. I mention these incidents to stress that no place is safe.

There has been a massive spike in gun sales in the past year. A large number of these sales are to brand new gun owners. The usual suspects smirk and say that crime has increased and this is not a coincidence. A recent study in the scientific journal "Injury Epidemiology" has found this is not the case. This does not convince the usual suspects.

A member brought the website Newdiscourses.com to my attention. It does not discuss guns and is focused on refuting critical race theory. Members who find this theory being taught might find it useful.

Everyone check the expiration date of your License To Carry. Right now. I will wait. When I went to renew my LTC I checked the card and they had put the wrong year as an expiration date. Be sure to check. A member tells me that Lafayette County has run out of the materials to make the plastic cards and is issuing paper licenses in the interim. If this becomes a problem for anyone please let me know.

There is a serious blood shortage in the area. This is an opportunity to do some good and promote our cause. Go to the blood bank wearing a gun shirt, reading a gun magazine or wearing a gun pin. This promotes our cause in a manner even the most hoplophobic cannot criticize. I remember that when my brother had cancer he would get routine blood transfusions. They made a new man of him. That memory makes it worth doing.

We are called inbred psychopathic thugs, child killers and the like. I am reminded of **Matthew 5:10-11 KJV**: Blessed are they which are persecuted for righteous sake: for theirs is the kingdom of heaven. Blessed are ye, when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake.

There is much being made about a general's concern that President Trump might stage a coup to remain in office. President Trump made no such attempt but there is much wailing about fear of what he might have done; but didn't. There was a plot to mount a coup during the Great Depression. The book "The Plot to Seize the White House" details what is known. It may have been no more than idle chatter. There was similar speculation when President Nixon had his Watergate problems. What if there was a coup attempt? What if a "woke" military unit tried to seize the centers of power and media? What if this unit was met at a bridge by armed civilians? The military would then have to consider shooting fellow citizens. This decision could throw off the timetable for the coup. This would depend on their being armed citizens.

President Biden has declared at the time this country was founded individuals could not buy cannon. This is not true. In the Revolutionary and Constitutional periods newspapers of the day carried advertisements for shops selling cannon. If he is misrepresenting a matter so easily disproved, what else is he lying about?

Lawyers are required to take continuing legal education. I recently took a course on Post Traumatic Stress Disorder. This became famous in veterans but also occurs after traffic accidents and criminal attacks. I once cross-examined a rape victim who was married to a service member and must be living on the only military installation in the country which does not know about PTSD. This required more than the usual delicacy. I was surprised to learn that the effects of trauma are not PTSD until 30 days after the event. Until that time it is called "Acute Stress Disorder." After a defensive shooting we typically see atypical actions. People curse, engage in pointless activity, freeze in place

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LIBERTY (Continued from page 3)

and often the gun must be pried from their hand. These are normal reactions to abnormal situations. They must be explained to police, prosecutors and juries. After forty years of studying gunfights I am still learning.

I've read "Jefferson's War" concerning operations against Islamic North African pirates in the early 19th century. The Navy blockaded the coast and a Marine Lieutenant and six Marines were sent to invade North Africa. This was considered to be enough; the Marines were full of themselves even then. Fortunately they brought thousands of dollars with them and used this weapon to ally themselves with local malcontents and mercenaries. This army was a roaring success until the US state Department concluded a treaty with the pirates withdrew the cash and Marines and left our allies to the mercy of the pirates. Many lessons can be learned from this war but recent events convince me they have not been.

In 1870 the poet Walt Whitman was mugged in Washington DC. He bought a pocket pistol in response and carried it for the rest of his life.

A survivor of the nazi death camps wrote, "Do Something/ Something to justify your existence/ Because it would be too senseless/ After all/ For so many to have died/ While you live/ Doing nothing with your life."

In the words of two great time travelers, "Be excellent to each other!"

We shall overcome.

PRESIDENT'S CORNER

HERO GUNS

K. L. Jamison

In my youth I watched "Have Gun Will Travel." The first episodes had Richard Boone level his .45 Colt at the camera and intone that it had a one ounce trigger pull. The second season doubled that to a two ounce trigger. It does not matter. Either trigger weight would be set off by the rotation of the earth. As in all the early Westerns a bad guy with a rifle would lay down ineffective fire; until the good guy threw a revolver shot into him at improbable ranges.

In the "Black List" the hero is supposedly a genius criminal mastermind. He carries a Browning High Power with the serial number filed off. The Browning High Power is an old design. But, it is a Browning design. A person going into combat or the field with a Browning design will not consider him or herself badly armed. The problem is removal of the serial number. People seem to think this makes the gun hard to trace. It might do so but there are various chemicals which will reveal the number. The problem is that it makes criminal activity obvious. It is against the law to possess a firearm with an obliterated serial number. If a policeman encounters a Browning High Power he might say "Cool I'd like to get one of these," and pass on by. If he finds one with a defaced serial number there will be an arrest.

In "The Tomorrow War" aliens have come to earth in the future, seemingly in the belief that we look good to eat. The decimated future population goes back in time to draft recruits for earth's army. Draftees are given futuristic bullet hoses in 5.56 mm and sent to battle armored aliens who absorb entire magazines and continue the attack. It appears that 12 gauge shotguns work however.

On Star Trek their handguns can be used as a power source, cutting torch or weapon. They have the neat function of atomizing a target so that it totally disappears. This would make it ineffective for hunting.

We see movies in which suppressors the size of pencils reduce muzzle blast below that of BB guns. People watch movies about hunters and get the impressions that we walk into the forest and shoot anything that moves regardless of season or bag limits. The shooting community watches action movies and provide a running commentary of improbable magazine capacity and bullet performance. People who vote and serve on juries believe that this is reality. The people who read these notes know better than movie writers. We must very kindly tell our neighbors.

I thank-you for the honor of being your president.

"This case is not about extraordinary weapons lying at the outer limits of Second Amendment protection. The banned 'assault weapons' are not bazookas, howitzers, or machineguns. Those arms are dangerous and solely useful for military purposes. Instead, the firearms deemed 'assault weapons' are fairly ordinary, popular, modern rifles. This is an average case about average guns used in average ways for average purposes."

—Judge Roger T. Benitez in striking down California's "assault weapons" ban as unconstitutional

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Appeals court rules 21-year minimum age for handgun purchases is unconstitutional.

An appeals court ruled on Tuesday that 21-year minimum age restriction for handgun purchases are unconstitutional.

A three-judge panel for the U.S. Court of Appeals for the 4th Circuit determined that regulations preventing firearm dealers from selling handguns to individuals younger than 21 years old violated the Second Amendment.

Judge Julius N. Richardson, who was appointed by former President Trump, wrote the majority opinion, contending that the protections provided by the Second Amendment should apply “whatever the age.”

“Looking through this historical lens to the text and structure of the Constitution reveals that 18- to 20-year-olds have Second Amendment rights. Virtually every other constitutional right applies whatever the age. And the Second Amendment is no different,” Richardson wrote in the ruling.

“The militia laws in force at the time of ratification uniformly required those 18 and older to join the militia and bring their own arms. While some historical restrictions existed, none support finding that 18-year-olds lack rights under the Second Amendment,” he added.

Richardson did note the “weighty interest in reducing crime and violence,” but concluded that the court will not “relegate either the Second Amendment or 18-to-20-year-olds to a second-class status.”

The decision, however, will likely be appealed and sent to the full court, according to The Washington Post.

The ruling came after a suit was brought by Natalia Marshall and Tanner Hirschfeld, both of whom wanted to purchase firearms in Virginia, but were not able to because of their ages, according to the Post.

Richardson and Judge G. Steven Agee, who joined the ruling, expressed doubt regarding the power of the age restrictions, the Post noted. The duo contended that the limitations actually motivate young adults to obtain guns through channels that are less regulated, such as unlicensed dealers, and without background checks.

Judge James A. Wynn Jr., however, dissented, arguing that courts should hand over the decision to lawmakers who showed interest bolstering public safety when they approved the age restrictions in 1968, the Post reported.

“The majority’s decision to grant the gun lobby a victory in a fight it lost on Capitol Hill more than fifty years ago is not compelled by law. Nor is it consistent with the proper role of the federal judiciary in our democratic system,” Wynn wrote.

He also said the majority opinion’s concern that the restrictions could relegate the Second Amendment or individuals under 21 years old to a second-class status was “simply surreal.”

“Indeed, in a country that boasts a Congress, bench, bar, academy, and electorate that are all attentive to the prerogatives of gun owners, where many may conceal their weapons, carry them openly, or “stand their ground,” and where civilian gun ownership rates are second to none, the majority’s second-class status concern is simply surreal,” he wrote.

“No, the Second Amendment is exceptional not because it is uniquely oppressed or imperiled, but rather because it is singularly capable of causing harm,” he continued.

Attorney Elliott Harding, who represented Marshall and Hirschfeld, said he was pleased that the court “recognized that these young adults are not second-class citizens,” according to the Post. He said he thinks the decision will strengthen public safety by allowing young individuals to obtain guns with background checks through regulated channels.

Some gun-control advocates, however, said the decision should be reversed, highlighting studies that show individuals younger than 21 years old are disproportionately connected to violent crime, and have a higher risk of trying to take their own lives.

“Those who seek absolute power, even though they seek it to do what they regard as good, are simply demanding the right to enforce their own version of heaven on earth, and let me remind you they are the very ones who always create the most hellish tyranny.”

—Barry Goldwater

“The only kind of freedom that the mob can imagine is freedom to annoy and oppress its betters, and that is precisely the kind that we mainly have.”

—H.L. Mencken



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We will have a limited number of drawing tickets (1,000). We will not mail tickets to members to sell. Tickets will be available at all General meetings and at events where WMSA has a table. Additionally, to build our treasury for the coming year, this year's raffle is aimed towards gaining more WMSA members.

The tickets are \$5 each or 5 for \$20. As an added incentive, bring in a new member at a General Membership Meeting and get a free raffle ticket. Any current member who brings in a new WMSA member gets a free raffle ticket for each new member added to our rolls.

Bring your prospective new member to a General membership meeting and when the new member completes the membership application and pays their dues, you are handed a ticket, no charge! **The drawing will be in July 2022, either at the Missouri Valley Arms Collector Show or the WMSA General Membership Meeting.**

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- 3) Politicize and activate gun owners in defense of their rights.
- 4) Acquaint the public with the true nature of the Second Amendment.
- 5) Network with other pro-gun groups to coordinate local, state and national strategies.
- 6) Train people in basic firearm safety and handgun defense.
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REMINDER Next General Meeting is scheduled for Tuesday, Sept. 28th, 2021 at 7:00 PM
 Meeting located at Bass Pro Conservation Room, Independence, MO

CONTACT INFORMATION - *Let them know what you think!*

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