

SCOTUS Gun Case Denials Signal Conservative Justices Don't Trust Roberts With The Second Amendment

The U.S. Supreme Court's decision to pass on nearly a dozen gun-rights-related cases is breathtaking, not in the denial of hearing any, but in the seeming admission that the conservative associate justices think Chief Justice John Roberts can't be trusted to protect the Bill of Rights.

The nation's top court denied writ of certiorari to 10 cases. The National Shooting Sports Foundation, the firearm industry trade association, submitted amicus curiae briefs in two of those cases.

Those cases, *Worman v. Healey* and *Mance v. Barr*, centered on fundamental rights to acquire firearms to exercise the right to keep and bear arms. The Supreme Court's denial lets stand Massachusetts' ban on modern sporting rifles and a ban on the sale of handguns across state lines. The court also denied *Pena v. Horan*, a challenge to California's Unsafe Handgun Act, which bans handguns in common use for lawful purposes.

The denial of writ of certiorari tells court-watchers the conservative associate justices don't trust Roberts to uphold the liberties as written in the Bill of Rights.

Enough to Call a Case, But They Don't

The Supreme Court requires just four of the nine justices to agree to hear an appeal for the nation's highest court to take the case. Those watching gun cases were hoping for good reason that finally, after a decade of silence from the court, the four votes were now there.

Four justices, including Clarence Thomas, Samuel Alito, Neil Gorsuch, and Brett Kavanaugh, have all recently expressed frustration with the court's unwillingness to address infringements on Second Amendment rights. Thomas previously noted, "[T]he Second Amendment is a disfavored right in this Court."

That pattern, disappointingly, hasn't altered. In his dissent this week, Thomas again drew attention to this fact in the denial of certiorari in *Rogers v. Gurbir*. "But today, faced with a petition challenging just such a restriction on citizens' Second Amendment rights, the Court simply looks the other way," Thomas said.

These four associate justices could have voted to hear any of the 10 petitions, but not all four chose to bring the cases before the court. That's telling in as much as it is disturbing. The fact that four justices who complained the court needed to hear Second Amendment cases passed on 10 chances to do so tells us much about the court's "swing vote."

One or more of the conservative justices are in essence telling us Roberts cannot be trusted to interpret the Second Amendment as written, or faithfully apply the precedents of the *Heller* and *McDonald* decisions. He ruled in the 5-4 majority in both those cases.

Case and the Court

By refusing for more than a decade to accept any Second Amendment cases, the court has allowed the lower appellate courts to blatantly defy the court's precedents and invent a Second Amendment analysis not rooted in the Constitution and inconsistent with the court's landmark 2008 *Heller* and 2010 *McDonald* decisions.

Heller protected the pre-existing individual rights to keep and bear firearms that are in "common use." Nearly 18 million modern sporting rifles are in circulation today, used for lawful purposes daily, including recreational target shooting, hunting, and self-defense. *McDonald* found that Second Amendment rights are enforceable against states seeking to deny those rights of law-abiding citizens. Regrettably, in the Roberts' court, the Second Amendment is a constitutional orphan that will be treated as a second-class right.

Court-watchers have long said it's important to have the right case before the Supreme Court on gun rights. That's essentially what Kavanaugh wrote in his partial dissent of *New York State Rifle & Pistol Association Inc. v. City of New York*.

There was plenty for the justices to choose from on the 10 cases they just passed over. They could have easily found cases that would have called for the Supreme Court to faithfully apply *Heller* and *McDonald* precedents, stand for the Bill of Rights, and send a clear message to lower courts to stop legislating from the bench. Instead, the four conservative justices are now telling America it's not just the case that must be solid, but also the court.

That means the 2020 election will put the direction of the Supreme Court back into focus, just as the 2016 election did. Four years ago, Senate Majority Leader Mitch McConnell, R-Ky., decided not to act on President Barack Obama's nomination of Judge Merrick Garland. That made the ideological control of the Supreme Court a central question in the election that propelled Donald Trump to office, resulting in the nominations and confirmations of Gorsuch and Kavanaugh.

The future of the court once again hangs in the balance given the age of the justices, particularly Ruth Bader Ginsburg, who missed a month's worth of argument this session and has bat-

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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.
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.
7. Sponsor and support pro-gun legislation
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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General Membership Meeting

7:00 PM

Sept. 22, 2020

Nov. 24, 2020

Bass Pro Conservation Room Independence, MO

MVACA

Missouri Valley Arms Collectors Assn.

To Be Announced

KCI Expo Center Kansas City, MO

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SCOTUS (Continued from page 1)

bled serious health issues. At 87, she's the court's eldest justice and has vowed to continue to serve.

The justices' sudden silence speaks volumes. The Roberts court sees the *Heller* and *McDonald* decisions as dead letters. It's going to take a new justice to stand up for American rights. The next president and Senate will determine whether the Second Amendment will mean anything in America or whether it will continue to be treated as a constitutional orphan.

LIBERTY NOTES

By Kevin L. Jamison

It is a Good Day for Liberty.

The Kansas City Star is doing a special investigative report on "gun violence;" no other violence need apply. Through a grant from Report for America the Star hired three young journalism graduates to investigate "gun violence." In every article about a shooting the Star is promoting this project. The even ran it at the end of an article about a stabbing. They ran a quarter page article about it. The project will focus on causes and solutions to "gun violence." In my experience when someone starts out by stating the problem is gun violence, they will conclude that the cause is guns and the solution is no guns. I'd like to know if the investigators talk to any of our people. I would be surprised, but I would like to know. The Star says that anyone who wants to participate should contact them at jgibson@kstar.com. I intend to participate. The more of us involved the better.

I met one of the ladies who is one of the first-time gun owners caused by the recent riots. She told me that she cried before she bought her .38 special revolver. After she got that stress out of her system everything was fine. She took a concealed carry class and things were even better.

I received an invitation to a seminar on handling a death. It promised to discuss the "documents needed at the time of death." It appears that without these documents you will not be allowed to die. Good to know.

Congressman Nadler told a reporter on camera that the reports of riots in Portland are a "myth." Perhaps this congressman does not own a television or is one of those people who only perceive what they want to perceive.

The Western Missouri Shooters Alliance is in desperate need of a webmaster. A webmistress is equally needed. I am told there are many gender possibilities for this job. But I cannot remember them all and we cannot take the time to ask.

Remington has filed for bankruptcy under Chapter 11. This means that they are trying to reorganize the company, get temporary protection from creditors and resume normal operations. It is strange that they are in bankruptcy when other gun companies and selling guns hand over fist. Some comments blame the troubles on poor quality control. A more likely reason is the last time they filed for bankruptcy, the white knight who swooped in to rescue them borrowed a great deal of money then structured the deal so that Remington got the debt, but not the cash. This is a little like a drowning man reaching for help and being attached to an anchor instead. This does not seem to affect the lawsuit from the Sandy Hook massacre. The plaintiffs claim that the killer was so powerfully influenced by Remington advertising that he killed his mother, stole her Remington-made AR 15 and then attacked the school. It is more likely that this was the only gun he had access to (after killing his mother).

I met one of the guys who served with the patriot militias who observed the southern border and reported illegal immigrants. In popular media they are portrayed as killers, but I have never heard of such a thing actually happening. He mentioned the first time he had seen a rape tree. I asked what that was. He explained that coyotes would rape women and then throw their underwear up the tree. People in Mexico know this. Deported people, people who went back for family reasons tell the stories. Men will be robbed, women will be raped, some will be left in the desert to die. When they get to the US they will be cheated by employers because they cannot complain. South of the Rio Grande they know all these things, and still they come. We must have created something wonderful here if they come through all that to get here. They come to a country with this Antifa mob who proclaim that we are worse than the hell-holes the immigrants have fled.

Moms Demand Action (against our gun rights) states that police violence is gun violence. This puts them on the side of criminals and rioters.

We are fighting to preserve rights for our grandchildren. If you don't participate they will come and complain to you. It will be late some night. You won't feel anything.

One hundred police agencies have refused to provide security for the Democratic Convention. The police agencies cite the party's opposition to the use of tear gas in riot control and the party's support for defunding the police.

I spoke to a guy who witnessed a woman being attacked. He drew his gun ordered the guy back from her. When the police arrived, the hero was arrested; he had the gun. He was quickly released, but months later no charges had been filed, no charges have been declined. He is in prosecutor limbo until they decide if he makes a case. This interferes with his job which requires a clean record. Remember this when you have a chance to be a hero. Your gun is there to keep you alive so you can be a witness.

The St. Louis prosecutor has decided that no charges will be prosecuted against the couple who defended their home from a mob. Of course, after the Attorney General has intervened in the case to ask the court to dismiss and the Governor has strongly hinted that a pardon would be in their future; this would be the smart thing to do, finally.

LIBERTY ((Continued on page 4))



LIBERTY (Continued from page 3)

I have made a small quantity of my DVD "Missouri Concealed Carry and Self Defense Law." This is the 2.5 version done in 2015. The DVD is the same quality as in 2015. I will be selling them out of the office. The label on the DVD is not as pretty but, many of you have met me, I don't do pretty.

The Missouri legislature has been called into special session to address the current homicide rate. But the legislature does not address anything, it passes laws. We are told that no law is contemplated that will affect our rights. But, (always a but) this is the Missouri legislature. Things shift, change and rules are broken. At least this will be an opportunity to push the other side's propaganda.

I met another man who is a new gun owner. He was smart enough to get training. This is exciting. The undecided are coming over to our side. The other side is embracing the rioters. If we win this next election we may actually get to that glorious land where our rights do not hang by a thread. If we lose, we will lose big, the thread snaps and our grandchildren will not know what we are talking about when we reminisce about gunshows.

We have to make our best efforts. Break the piggy bank, use the vacation money (you can't go anywhere anyway), send the money to the candidate of your choice.

I've read a book on the history of American homicide. The author claims that murder is more common when there are divisions in society. In the current client this may explain the recent number of murders.

We shall overcome.

PRESIDENT'S CORNER

MORE AND MORE

K. L. Jamison

Recently I wrote a column entitled "Out of the Virus." This was not entirely true. The economy had been opened but we remain under the tyranny of the virus. As of this writing we are able to have meeting. Meetings in Jackson County require the participants wear masks. In other counties entering a business requires a mask. These masks have driven people insane.

A man in N. Y. entered a grocery without a mask. The customers attacked him. A man in Florida chided another man for not wearing a mask. The second man pulled a gun on the first man. This sort of thing does not win friends and influence people. This is crazy. Normally a national threat brings people together. People have died from this virus.

Instead the murder rate rises. Even Fox news describes the murder rate as "gun violence." This connects the two words in people's minds.

Riots prevail and are defended as "peaceful protests." A couple in St. Louis defended their home after a mob tore down a gate to a private street. The couple states that the crowd yelled threats. One member of the crowd tapped two pistol magazines together and told the husband, "You're next." The couple dashed into their house and gathered up an AR 15 and a small pistol. The wife pointed the pistol at the crowd. The prosecutor filed charges on both for assault. It was found that the pistol would not fire. It has been reassembled wrong. The prosecutor ordered the police to reassemble the gun so it would work. In order to make a charge for assault the gun had to be operational. If any of us had done this we would have been charged with tampering with evidence.

Senator Josh Hawley as demanded a justice department investigation of the St. Louis prosecutor's office. The Governor has said that unless conflicting evidence appears the couple should get a pardon. This is not a promise this is an "if." It is a move in the right direction. Missouri's attorney general has questioned the arrest. President Trump has spoken in support of the couple. When he speaks he speaks authoritatively and with decision.

This case piles more proof upon proof that some elected officials will not treat us fairly. It also shows that we have some friends and we must show how good a friend we can be.

"Our society — unlike most in the world — presupposes that freedom and liberty are in a frame of reference that makes the individual, not government, the keeper of his tastes, beliefs, and ideas; that is the philosophy of the First Amendment; and it is this article of faith that sets us apart from most nations in the world."

—William O. Douglas

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Gun control vultures are ready to feast on this state

Gun Control Inc. is back at it again. They're now targeting states like Minnesota. While Minnesota is a blue state, its Senate is in Republican hands. This makes groups like Everytown for Gun Safety mad. Don't be fooled by the organization's innocuous sounding name. It's Michael Bloomberg funded and is centered on disarming law-abiding civilians. They team up with groups such as Moms Demand Action to demonize gun owners and are always pushing the envelope. Take note, grasshopper, if you're cause isn't constantly moving, it's bound to die. The Left gets this.

And the Right better get with the program, lest it wants to get bludgeoned into irrelevancy. There is good news with regards to states like Minnesota. Although it's a blue state, Republicans can at least take majorities in the legislative branches of the government. By doing so, they can block bad pieces of legislation. This goes to show that not all is lost in politics and patriotic Americans can place obstacles in front of the wannabe despots. Obviously, we want full control of state legislatures in order to pass good legislation and throw bad legislation in the trash bin. But we gotta start somewhere.

Anywho, check out my latest post at *Liberty Conservative News* on gun grabbers' attempts to turn Minnesota into an anti-gun stronghold.

Talk soon,
José Niño

P.S. Many Americans may find themselves in precarious political situations depending on the state they live in America. Indeed, the majority of blue states are going off the deep end by letting wacky rioters have a feast on the street, while law-abiding people have very little ways of fighting back. A lot of this is a nasty cocktail of political dereliction mixed with stringent gun control laws. Although the situation may seem bleak, there's always a way to fight back.

Many people are revolting at the local level and moving forward with Second Amendment sanctuary resolutions. Others are forming their own self-defense organizations when police have largely stood down. The key here is that people are not giving up in the face of adversity. And nor should you. Ultimately, the power is still in your hands. It's a matter of you exercising it.

You can sit on the sidelines and complain, or you can at least make an effort to fight back. Should you choose to fight back, I advise that you at least make an effort to get the basics down to a science. That's where I come in to help. For more info on my trusty pro-Second Amendment guide, head to the link below:
<https://josealnino.com/10-myths-gun-control/>

"In totalitarian societies, cities change their names regularly. Statues go up and are torn down. Words, as the historian Thucydides warned 2,400 years ago, habitually change their meanings to reflect passing political orthodoxy — and thugs, commissars and brownshirts oversee the charade. For an antidote to these statue-smashers and name-changers, Americans seek just one honest public official who dares to say 'no more' — and arrests rather than appeases those who destroy public property, or shames those who ruin people through guilt by association."

—Victor Davis Hanson

"No compact among men ... can be pronounced everlasting and inviolable, and if I may so express myself, that no Wall of words, that no mound of parchment can be so formed as to stand against the sweeping torrent of boundless ambition on the one side, aided by the sapping current of corrupted morals on the other."

—George Washington

"Society in every state is a blessing, but government, even in its best state, is but a necessary evil; in its worst state an intolerable one; for when we suffer or are exposed to the same miseries by a government, which we might expect in a country without government, our calamity is heightened by reflecting that we furnish the means by which we suffer."

—Thomas Paine

"Violence, naked force, has settled more issues in history than has any other factor, and the contrary opinion is wishful thinking at its worst. Nations and peoples who forget this basic truth have always paid for it with their lives and freedoms."

—Robert A. Heinlein

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- 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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