

April 2020 - DCPA Legislative Officer Report

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Legislative Officer - Dutchess County Pistol Association

(via Zoom – Web Conferencing)

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I'd like to thank the Board of Directors for entrusting the Legislative Officer duties to my care. I look forward to executing the duties to the best of my abilities and for the betterment of the DCPA as a whole.

During these times of uncertainty and concern amidst the worldwide COVID-19 pandemic, there is much going on in the firearms legislation realm. We as stewards of firearms safety and sports know, freedom isn't free. Now more than ever, it is imperative for us to remember that this is an election year. We must express our views to our political representatives and GET OUT AND VOTE! It is our duty to be vigilant and protect our rights and freedoms from tyranny and distraction. We must stay informed, get involved, and write our representatives and let them know where we stand on the issues. I encourage all members to email and or call their respective legislative representatives on legislative matters that are relevant to Second Amendment issues.

Reports indicate the FBI performed a record-breaking 3.7 million firearm-related background checks last month. According to an April news release from Small Arms Analytics & Forecasting (SAAF), March 2020 estimates of firearm sales show an increase of over 85% from March 2019 – single handgun sales jumped by 91%, and single long-gun sales increased by over 73%. See the full press release at the following link. <http://smallarmsanalytics.com/v1/pr/2020-04-01.pdf>

On March 28, 2020, the Trump administration has added the firearms industry — gun ranges included — to a federal list of critical infrastructure during the ongoing coronavirus emergency. The new language, was added Saturday, March 28, 2020 to the website of the U.S. Department of Homeland Security - Cybersecurity & Infrastructure Security Agency (US DHS-CISA), and now deems as critical “Workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.”

NY Governor Andrew Cuomo promptly responded to the federal level changes by assuring the NY list of essential businesses did not include gun stores, ranges, etc.

On Thursday, April 02, 2020, the NRA filed suit in The United States District Court for the Northern District of NY. The suit (CIVIL CASE NO. 1:20CV-0385 (MAD/DJS)) names ANDREW CUOMO, both individually and in his official capacity; NEW YORK STATE DEPARTMENT OF ECONOMIC DEVELOPMENT d/b/a EMPIRE STATE DEVELOPMENT; and ERIC GERTLER, both

individually and in his official capacity as President & CEO of the Empire State Development agency.

The suit alleges, by executive order 202.8, issued on March 20, 2020, Defendant Cuomo effectively and indefinitely suspended a key component of the Second Amendment. The suit alleges amongst other things, the Defendants' action "... is a cynical and pretextual attack on the Second Amendment rights of the people of New York."

The relief sought by the suit requests that the Court enter judgment in the Plaintiff's favor and against Defendants, as follows:

- a. A declaration that firearm and ammunition product manufacturers, retailers, importers, distributors, and shooting ranges constitute essential businesses and services under the Executive Order and are allowed to operate or, alternatively, that Defendants' prohibition of the operation of firearm and ammunition product manufacturers, retailers, importers, distributors, and shooting ranges violates the Second, Fifth and Fourteenth Amendments.
- b. A temporary restraining order, preliminary injunction and permanent injunction restraining Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of such order or injunction, from enforcing the Executive Order to prohibit the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges.
- c. Nominal damages against Defendants on behalf of members of the NRA who are consumers and that have been prevented by Defendants' actions from purchasing ammunition or firearms.

Cuomo told the media in response to questions about the NRA suit, "You become sort of lawsuit immune... ...I wish you become immune to this virus the way I've become immune to this lawsuit."

NYS Attorney General Letitia James in a statement pledged to "aggressively defend" the governor's order. "Everyone — including the NRA — must follow the law and all executive orders of New York."

Below is a link to the complete filing.

<http://cdn.cnn.com/cnn/2020/images/04/03/nra.lawsuit.ny.state.pdf>

On the federal level, Speaker of the US House of Representatives, Nancy Pelosi and her Second Amendment trampling cronies like Rep. Carolyn B. Maloney D-12-NY and Rep. Henry (Hank) Johnson Jr., D-4-GA, are trying to insert all or parts of H.R. 5717 into the Phase 4 stimulus package that is currently being negotiated in Congress. H.R. 5717 was sponsored by and introduced on 01/30/2020 by Rep. Johnson as the Gun Violence and Community Safety Act of 2020. <https://www.congress.gov/bill/116th-congress/house-bill/5717/text>

The sister bill introduced in the U.S. Senate, (S. 3254), sponsored by Senator Elizabeth Warren, D-MA on Feb 5, 2020 is in the first stage of the legislative process. It will typically be considered by committee next before it is possibly sent on to the House or Senate as a whole.

These pieces of newly introduced legislation are a gauge by which we can measure anti-Second Amendment efforts, and these may just well be the biggest gun control bills that America has ever seen. They include measures like red flag gun seizures, assault rifle bans, universal gun registration, gun rationing, a national gun owners licensing scheme, suppressor ban and more. One take away here, the gun grabbers are holding hostage other needed legislation like the COVID-19 Stimulus Packages and are looking to “negotiate” and “slip-in” their anti-Second Amendment agenda items like H.R. 5717. With Congress racing to get money out to individuals and small businesses as part of their Coronavirus response, Nancy Pelosi and her cronies are hoping they can twist the Senate’s arm and force them to agree to support H.R. 5717/ S. 3254 collectively. Again, I cannot reiterate the importance of contacting your U.S. Congressional and Senate representatives and express your view that you do not support this legislation and urge them to do the same. The NYS Firearms Association has written a great email and have provided a link so that residents can send this pre-written message to their federal level representatives. It will identify the respective representatives based on the zip code entered on their form located at the following link. Members can edit the message if they wish or use it just as it’s written. The text of the pre-written message is included below as is the link.

<https://action.newyorkstatefirearmsassociation.org/action/tell-new-yorks-congressional-leaders-to-stop-h-r-5717/>

While criminals are growing bolder by the day as politicians in dozens of states pass legislation that ties the hands of police officers, taking away their ability to arrest criminals for misdemeanors, socialists in Congress are also trying to penalize me for having a magazine that holds over ten rounds of ammunition!

(This stupid concept is already law here in New York, and it’s done nothing to lower crime. On the contrary, violent crimes like rape have exploded since socialists in Albany banned magazines over 7 rounds.)

The gun control mega bill introduced by Senator Elizabeth Warren and Congressman Hank Johnson -- H.R. 5717/S.3254 -- has over a dozen gun control items inside of it.

But tucked in this 111 page bill are provisions that would turn Americans into felons for buying a magazine that holds over ten rounds of ammunition, once this bill is signed into law!

This bill will turn millions of gun owners in America into felons, and it would certainly make felons out of future generations of Americans who seek to own these magazines for self-defense.

How does Congress know how many rounds of ammunition I need to keep my family safe? Can they assure me that I’ll never be attacked by multiple attackers?

But it’s more than that.

My God-given right to keep and bear arms was enshrined in our Constitution because our Founding Fathers knew that government tyranny was the ultimate threat facing Americans, not criminals.

This legislation is the very definition of tyranny.

And that's why I am writing you, as my elected voice in Washington, D.C., to insist that you do everything in your power to crush this legislation!

I stand with the New York State Firearms Association in complete opposition to this legislation and they have assured me that they will keep me informed on the status on this legislation.

In closing, there is an abundance of legislative action currently in motion and make no mistake about it, the worldwide pandemic has not slowed the fight by those looking to infringe upon our Second Amendment protections.

The above is provided for informational purposes only and I would like to reiterate the message contained on DCPA website homepage.

"The Board of Directors discussed the Covid-19 situation and came to the decision that we should evaluate the situation every two weeks and simply follow whatever guidelines are proposed by federal, state and local agencies... "

As suggested by the DCPA Officers and Directors, use the website and online calendar to check for updates and event cancellations.

Respectfully submitted,

Gregg Buddenhagen
Legislative Officer, Dutchess County Pistol Association