

## Understanding Missouri Stand Your Ground Laws

Imagine a scenario: you're walking home late at night in St. Louis, alone, when you're confronted by a stranger who seems threatening. Fear surges through you – what do you do? In a state with a Stand Your Ground law like Missouri, the legal right to self-defense becomes a critical factor. But what exactly does this law entail, and how can it impact you in Kansas City or Springfield? This blog post delves into the complexities of Missouri's Stand Your Ground law, aiming to empower you with knowledge and clarify potential ambiguities.

### What is a Stand Your Ground Law?

Before diving into Missouri's specifics, let's establish a general understanding of Stand Your Ground laws. These laws typically remove the "duty to retreat" from individuals facing a perceived threat. Traditionally, self-defense involved the option of retreating from danger if possible. Stand Your Ground laws, however, grant individuals the legal right to use force, including deadly force, to defend themselves even if retreat seems feasible.

### Understanding Missouri's Stand Your Ground Law (RSMo 563.031)

Missouri's Stand Your Ground law, enacted in 2016, is codified in Revised Statute Section 563.031 [RSMo 563.031]. This law applies to situations where a person believes they or someone else is in imminent danger of serious bodily injury or death. Here's a breakdown of key aspects:

- **No Duty to Retreat:** In Missouri, you generally don't have a legal obligation to retreat from a dangerous situation before using force. This applies to your own property (your home or car) and any lawful place you're present in, like a public sidewalk or store in Springfield.
- **Reasonable Belief of Threat:** The law emphasizes a "reasonable belief" of danger. This means your actions must be based on a perception of an imminent threat, not simply suspicion or fear.
- **Proportionality of Force:** The level of force used in self-defense must be reasonable in response to the perceived threat. You can't use deadly force against someone posing a minor threat.

### Important Considerations and Limitations

While Missouri's Stand Your Ground law offers a legal defense in self-defense situations, there are crucial points to remember:

- **The Law Doesn't Excuse Aggression:** You cannot initiate a confrontation and then claim Stand Your Ground if the situation escalates.
- **Duty to Inform Law Enforcement:** If you use force in self-defense, you have a legal obligation to notify law enforcement immediately.
- **Burden of Proof:** The burden of proving self-defense using Stand Your Ground rests with the defendant (the person who used force).
- **Castle Doctrine:** Missouri law also recognizes the Castle Doctrine, which grants a stronger presumption of self-defense when defending your home.

### Stand Your Ground vs. Duty to Retreat: A Balancing Act

The concept of Stand Your Ground challenges the traditional "duty to retreat" principle. Here's a breakdown of the differences:

- **Duty to Retreat:** This principle requires a person to avoid using force if a safe retreat is possible. This was the norm in Missouri before the Stand Your Ground law.
- **Stand Your Ground:** This law removes the duty to retreat, allowing individuals to defend themselves with force even if retreat seems feasible.

### Potential Concerns and Criticisms of Stand Your Ground Laws

Stand Your Ground laws have been met with some criticism. Here are some common concerns:

- **Escalation of Violence:** Critics argue that Stand Your Ground laws can encourage individuals to resort to violence rather than seeking de-escalation.
- **Racial Bias:** Studies suggest that Stand Your Ground laws might be disproportionately applied to minorities, potentially leading to unjust outcomes.

### Seeking Legal Counsel is Crucial

Understanding the complexities of self-defense laws, especially with Stand Your Ground, is vital. If you're ever involved in a situation where you use force in self-defense, seeking legal counsel from an experienced attorney in your Missouri city (St. Louis, Kansas City, etc.) is highly recommended.

### Frequently Asked Questions (FAQs) about Missouri's Stand Your Ground Law

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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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COMING EVENTS

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

WMSA

General Membership Meeting

July 23, 2024

Sept. 24, 2024

7:00 PM

Bass Pro

Independence, MO

Nov. 22, 2024

American Legion

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Independence, MO

MVACA

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To Be Announced

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Kansas City, MO

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KCI Expo Center

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Understanding the nuances of a law can be challenging. Here are some commonly asked questions regarding Missouri's Stand Your Ground law:

- **Can I use deadly force to protect my property?**

Missouri's Stand Your Ground law primarily applies to situations where you or someone else is in danger of serious bodily injury or death. You can't generally use deadly force to protect property alone, unless the situation also presents a grave threat to your safety.

- **What happens if I injure or kill someone in self-defense?**

Even if you believe you acted in self-defense, you'll still need to interact with law enforcement. Explain the situation calmly and honestly. A lawyer can be invaluable in navigating the legal process and ensuring your rights are protected.

- **Does the Stand Your Ground law apply everywhere in Missouri?**

The law applies throughout Missouri, as long as you're in a place you're legally allowed to be. This includes your own property, public spaces, and even another person's property with their permission (like being invited into their home).

- **What if the situation starts as a verbal argument and escalates to violence?**

If you initiate a verbal confrontation that escalates into violence, you likely won't be able to claim Stand Your Ground. The law is intended for situations where you're faced with an unexpected threat, not one you provoked.

### **Conclusion**

Missouri's Stand Your Ground law offers a legal defense for individuals who use force in self-defense. However, it's crucial to understand the limitations and act within the bounds of the law. Remember, self-defense should always be a last resort. By being aware of your rights and responsibilities, you can navigate potentially dangerous situations with more clarity and confidence.

### **Attorney General Bailey Files Suit Challenging Biden's ATF Rule Criminalizing Private Gun Sales**

JEFFERSON CITY, Mo. – In his ongoing fight to defend the Constitution, Missouri Attorney General Andrew Bailey announced today that he joined a coalition of twenty other states in filing suit against the Biden Administration's Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) over its new rule attacking the ability of gun owners to privately buy and sell firearms.

"When out-of-touch D.C. elites target Missourians' Second Amendment rights, I will always take action to protect those liberties," **said Attorney General Bailey**. "The Framers enshrined the right to keep and bear arms into the Constitution with the promise that those rights *shall not* be infringed. As a gun owner myself, I will use every legal tool at my disposal to fight government overreach."

Biden's new rule requires law-abiding citizens to apply for and receive a federal firearms dealer license anytime they sell a firearm for "profit." Under the rule, "profit" can mean anything the ATF says it means, including cash, trading for another firearm, or receiving a service. This rule may well turn fathers into felons and grandmas into gun runners for simply selling a gun to a family member or trading a rifle to a hunting buddy.

"Until now, [only] those who repetitively purchased and sold firearms as a regular course of business had to become a licensee... This rule would put innocent firearm sales between law-abiding friends and family members within reach of federal regulation. Such innocent sales between friends and family would constitute a felony if the seller did not in fact obtain a federal firearms license and perform a background check," the attorneys general assert in the lawsuit.

In the suit, the attorneys general argue that the rule is unconstitutional because it violates the Second Amendment and circumvents congressional authority.

In addition to Missouri, Kansas, Arkansas, Iowa, Montana, Alabama, Alaska, Georgia, Idaho, Indiana, Kentucky, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming joined in filing the lawsuit. The States are asking the Court to postpone the rule and declare that it violates the Second Amendment of the U.S. Constitution.

"The preferred world can be seen any evening on television in the succession of programs where the good always wins — that is, until the late evening newscast, when suddenly we are plunged into the world as it is. Political realists see the world as it is: an arena of power politics moved primarily by perceived immediate self-interests, where morality is rhetorical rationale for expedient action and self-interest. Two examples would be the priest who wants to be a bishop and bootlicks and politicks his way up, justifying it with the rationale, 'After I get to be bishop I'll use my office for Christian reformation,' or the businessman who reasons, 'First I'll make my million and after that I'll go for the real things in life,' Unfortunately one changes in many ways on the road to the bishopric or the first million, and then one says, 'I'll wait until I'm a cardinal and then I can be more effective,' or 'I can do a lot more after I get two million' — and so it goes. In this world laws are written for the lofty aim of 'the common good' and then acted out in life on the basis of the common greed."

– Saul Alinsky



## PRESIDENT'S CORNER

### TRIGGERING

*K.L. Jamison*

American Public Square held a program on gun violence. The organization prides itself on presenting civil discussions on topics of importance. The fact that the discussion is civil does not mean that it is fair. Of the eight participants, seven were actively or passively against gun rights. Our sole representative was Latasha Jacobs from the Pretty Pistols Posse. She did a good job, but was outnumbered.

It was moderated by Mary Sanchez from the Kansas City Star. A “reporter” from The Trace was presented as an independent journalist. The Trace is an anti-gun propaganda organ. The only neutral person was Kyle Hollins who works with young people. He did six years in prison. He said that in a place where guns were banned he saw people killed. This did not inform the other panel members of the flaw in their superstition. Jean Peters Baker, the Jackson County prosecutor was there to tell the audience that the murder rate in Kansas City was due to the “lax” gun laws passed in Jefferson City. Other cities in Missouri have the same laws but not the same murder rate. Kansas has similar laws but does not have Kansas City’s murder rate. This would seem to indicate that Kansas City is doing something wrong. The prosecutor insisted that the murder rate would go down when our laws became more restrictive. She was sure that this would occur. That depends on who gets elected in November.

There were “fact checkers” to vet statements made. One of the “fact checkers” announced that a Missouri concealed carry license required absolutely no training. This is not true and Latasha, a concealed carry instructor, jumped in to vehemently correct this misinformation. I don’t know where the “fact checker” got this misinformation. He may have confused it with the permitless carry law. He may have been fed lies by the national prohibitionist organizations. It is a delicate matter to call a liar a liar. I have said that they are misinformed and sometimes that the person who told them that lied to them. An audience does not want to decide if a specific person is lying. Giving them some wiggle room gets the point across.

The program took place at the Plaza Branch of the KC Public Library. The auditorium there seats 350 people. It was very nearly full. I do not think it was full of our people. We have to show up for these events if we will have an impact.

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

### **Rogue ATF Rule Making on Trial ~ U.S. Supreme Court To Hear Garland v. VanDerStok**

The U.S. Supreme Court has granted certiorari in the case of Garland v. VanDerStok, which involves a challenge of the Biden administration’s “Final Rule” on frames and receivers, and which was joined by the Second Amendment Foundation in 2022.

Houston, Texas, attorney Chad Flores represents SAF and Defense Distributed in their intervention and has received the briefing and argument schedule from the high court. June 25 is the briefing deadline for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and Aug. 13 is the deadline for SAF and its fellow appellants to submit their briefs.

August 20th, 2024, is the briefing deadline for appellants’ amici to submit their supporting documents.

Oral argument is tentatively scheduled for early October, with the 7th, 8th or 9th being the most likely dates for the high court hearing.

“We’re happy to be moving toward a fall hearing before the Supreme Court in this important case,” said SAF founder and Executive Vice President Alan M. Gottlieb. “The ATF is attempting to reverse years of regulatory tradition by re-defining what constitutes a functional firearm, and in the process has usurped the authority of Congress. The high court cannot allow this blatant power grab by the Biden administration.”

“The legal issues in VanDerStok could not be clearer,” added SAF Executive Director Adam Kraut. “We have three separate branches of government—Executive, Legislative and Judicial—and an agency within the Executive Branch simply cannot make up its own rules or change them arbitrarily, especially when it involves the exercise of a constitutional right. Authority to regulate firearms is solely in the hands of Congress, not a executive agency, which is what this case is really all about. We’re looking forward to making that argument in October.”

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## LIBERTY NOTES

By Kevin L. Jamison

It is a Good Day for Liberty.

I saw a cartoon in which a character confesses he is afraid of ghosts. Another character says That's stupid. Fear the living." That is a good point. Even in the zombie movies the worst threat is other living persons.

Guns are America's martial art. The great equalizer. It takes months or years to be effective in Karate and other Asian martial arts. Martial arts require a certain amount of physical fitness. I remember seeing a 90 pound grandmother popping away with a .45 1911 after her first hour of instruction. She was being accurate.

I am often told that mass murderers are not suffering from mental illness. My thought is that if a person believes that killing a number of strangers, who have done him no harm, will solve any problems; that is crazy. There are those who claim that we just need to tell the killer that he is loved. A girl at Columbine High School tried that. She was the first one killed. Evil cannot be reasoned with. An Ohio killer at sentencing turned to the families of victims and said, "You see the hand that pulled the trigger that killed your sons? It now masturbates at that memory. F—all of you."

I continue to wonder what Hamas thought Israel would do following the 7 October, 2023 attack. Since then senior Hamas commanders have promised many more such attacks. And they still talk as if there should be a cease fire. American General Sidney Shachnow, a survivor of the holocaust wrote in "Hope and Honor," "The next time someone says he wants to kill the Jews, we should believe him."

When someone says that all guns must be confiscated. We should believe him. They also say that no one wants to take our guns. They think we are that stupid.

In a country with a total population of 330 million there are 422 million guns. The usual suspects recount this with horror; as well they should. It destroys their argument. If guns really caused violence, we would all be dead, some of us twice over.

The US Army is building a dock in Gaza to facilitate food and medical deliveries. The first night Hamas fired mortars at it. Initially this wondered me. On reflection, the suffering of the civilian population is a major propaganda point for Hamas. Continued suffering works for them.

Mexico is suing US gun companies for \$10 billion. They claim that US gun companies deliberately sell guns to the cartels and make them attractive to criminals by: making them easy to convert to full auto, compatible with "high capacity magazines," and "removable serial numbers." The US standard for semi-automatics is not to be convertible except by eight hours in a machine shop. None of my guns has a removable serial number but these are the arguments. They claim that mini-guns and grenade launchers are smuggled in from US gun shops. Haiti has joined in these claims but has not sued. Mini-guns fire 3,000 rounds a minute. These claims are parroted in US media without question.

I've just read, *A Nasty Little War*. Aren't they all? It concerned US, French and British intervention in Russia in 1918. The Tsar had abdicated and the provisional government was overthrown by the Bolsheviks (communists). The Bolsheviks made peace with Germany. There was some vague idea about re-opening the Eastern Front. Then Germany surrendered and there was some concern about guarding supplies delivered to the Tsar's army. These supplies were in the hands of the Bolsheviks and there were spirited disputes over this mission; people were killed. The anti-communist Russians were fighting the Bolsheviks and it was thought that supporting them would be a good idea. Against these vague mission statements the anti-communists Russians proved to be gloriously incompetent, hopelessly corrupt, divided into obscure factions and used their military supplies to murder Jews. Other than anti-Semitism they did not offer a cause inspiring their soldiers to fight and die. Soldiers were not uniformed, fed or paid. The Bolsheviks offered land, bread and peace. They didn't have any of those things but they were what the average Russian wanted. A great deal of effort, money, supplies and men were sacrificed. In the end there was an ignominious withdrawal with masses of refugees begging to be taken along. If successful the world would have been spared seventy years of trouble. The book reminds me of some recent wars. It may offer some lessons. What to make of these lessons is above my pay grade.

NRA reformers have won seats on the Board. Phil Journey, Jeff Knox, Rocky Marshall, and Dennis Fusaro were all elected to three-year terms, while current board member and reformer Owen "Buz" Mills won re-election for

*LIBERTY (Continued on page 6)*

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**LIBERTY** (Continued from page 5)

another three-year term. This is a very good sign. I have known Phil Journey for a long time and he is an ardent advocate of reform.

Hanna Gutierrez was the armorer on the movie "Rust." She was the one who loaded the revolver Alec Baldwin held, fired and killed a woman. I think she was set up to fail, not deliberately, but as a practical matter. Even so, she was negligent and a woman died. She was convicted of negligent manslaughter. At sentencing her phone calls from jail were provided to the judge. Calls from jail are always recorded and provided to the prosecution. The calls criticized witnesses, the jury and the judge. She was hammered at sentencing. She was given the maximum and status as a violent felon. She was negligent but I do not see violence.

I Second That.

### **A CHEAP LEGAL NOTE RANGE THREAT**

*K. L. Jamison*

Missouri's Range Protection Act at RSMo 537.294 protects shooting clubs against criminal charges or lawsuits for actions based on noise. That does not prevent people from trying.

Glendale Shooting Club in eastern Missouri is being sued by neighbors on the grounds that the Range Protection statute takes away a property interest and therefore violates their constitutional rights. The range was established in 1928. The neighbors moved to their property some eighty years later. This should be important. First in time is first in right is a pretty good principle; but it is not good law.

The case has gone to the court of appeals and is now back in trial court. There will be endless depositions, motions and experts to weigh in. If the plaintiffs win, we will lose the protection of the Range Protection Act. In that event any number of neighbors and land developers will come after our ranges. These cases often end with the range running out of money. When the money runs out the range loses its lawyer and then the case.

The NRA has its own problems and has not stepped up. Clubs can invest in their own future by contributing to the Glendale Shooting Club at [www.givesendgo.com/GCSUB](http://www.givesendgo.com/GCSUB).

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This information is for legal information purposes and does not constitute legal advice. For specific questions you should consult a qualified attorney.

### **Trump receives NRA endorsement as he vows to protect gun rights**

Former President Donald Trump urged gun owners to vote in the 2024 election as he addressed thousands of members of the National Rifle Association, which officially endorsed him just before Trump took the stage at their annual meeting in Texas on Saturday.

"We've got to get gun owners to vote," Trump said. "I think you're a rebellious bunch. But let's be rebellious and vote this time."

Trump, in his speech, said the Second Amendment "is very much on the ballot" in November, alleging that, if Democratic President Joe Biden "gets four more years they are coming for your guns, 100% certain. Crooked Joe has a 40-year-record of trying to rip firearms out of the hands of law-abiding citizens."

The Biden administration has taken a number of steps to try to combat gun violence, including a new rule that aims to close a loophole that has allowed tens of thousands of guns to be sold every year by unlicensed dealers who do not perform background checks.

Trump has pledged to continue to defend the Second Amendment, which he claims is "under siege," and has called himself "the best friend gun owners have ever had in the White House" as the United States faces record numbers of deaths due to mass shootings. Last year ended with 42 mass killings and 217 deaths, making it one of the deadliest years on record.

The presumptive Republican presidential nominee has been criticized by Biden, specifically for remarks that Trump made this year after a school shooting in Iowa. Trump called the incident "very terrible" only to later say that "we have to get over it. We have to move forward."

*TRUMP (Continued on page 7)*



TRUMP (Continued from page 6)

Trump, during his speech, also laced into independent presidential candidate Robert F. Kennedy Jr., calling him “radical left” and “a disaster,” and noting that Kennedy had once called the NRA a “terror group.” “Don’t think about it. Don’t waste your vote,” he said. “He calls you a terrorist group, and I call you the backbone of America.” (Kennedy later said in a Fox News interview that he didn’t remember his 2018 tweet. “I don’t consider them a terror group, and I support the Second Amendment,” he said.)

Trump noted he will be speaking next week at the Libertarian Party’s convention and said he will urge its members to vote for him. “We have to join with them,” he said. “We have to get that 3% because we can’t take a chance on Joe Biden winning.”

Earlier Saturday, Trump’s campaign and the Republican National Committee announced the creation of a new “Gun Owners for Trump” coalition that includes gun rights activists and those who work in the firearms industry.

Biden has made curtailing gun violence a major part of his administration and reelection campaign, creating the White House Office of Gun Violence Prevention overseen by Vice President Kamala Harris. Biden also has urged Congress to ban so-called assault weapons — something Democrats shied from even just a few years ago.

“Tonight, Donald Trump confirmed that he will do exactly what the NRA tells him to do — even if it means more death, more shootings, and more suffering,” said Biden spokesman Ammar Moussa.

When Trump was president, there were moments when he pledged to strengthen gun laws. After a high school mass shooting in Parkland, Florida, that killed 17 people and wounded 17 others, Trump told survivors and family members that he would be “very strong on background checks.” He claimed he would stand up to the NRA but later he back-pedaled, saying there was “not much political support.”

On Saturday, Trump also brought up the criminal cases against him as his hush money trial heads into the final stretch next week and accused Democrats of being behind these cases because he is Biden’s opponent.

“Never forget our enemies want to take away my freedom because I will never let them take away your freedom,” he said.

Trump criticized Biden’s border policies, repeating his pledge that he will order the largest domestic deportation operation. He spoke about abortion and warned Republicans not to be so extreme on abortion to remain electable.

“In my opinion, Republicans have not been talking about it intelligently. They haven’t been talking about it with knowledge,” he said. “Remember, speak from your heart. But you also have to get elected again.”

“In the '70s and '80s, many of these guns were as available as they are now, but we weren't having these mass shootings that we have today. So I think we need to really ask ourselves the question of what has socially brought us to this point in history, and what have we done, and what can we do differently to change society. That's certainly a question that needs to be continued to [be] ask[ed], because I don't know that taking everyone's guns, and buying everybody's guns back, is going to cure the national massacres that we've had in recent history.”

—Democrat Rep. Vicente González

“Laws are made for men of ordinary understanding and should, therefore, be construed by the ordinary rules of common sense. Their meaning is not to be sought for in metaphysical subtleties which may make anything mean everything or nothing at pleasure.”

—Thomas Jefferson

“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

“And many writers have imagined for themselves republics and principalities that have never been seen or known to exist in reality; for there is such a gap between how one lives and how one ought to live that anyone who abandons what is done for what ought to be done learns his ruin rather than his preservation: for a man who wishes to profess goodness at all times will come to ruin among so many who are not good.”

— Niccolò Machiavelli

“Laws that forbid the carrying of arms ... disarm only those who are neither inclined nor determined to commit crimes. ... Such laws make things worse for the assaulted and better for the assailants.”

--Cesare Beccaria



### **GOP Senators Challenge Biden Administration's ATF Rule on Gun Sales**

Republican Senators are pushing back against the Biden administration rule that broadens the definition of who must register as a federal firearms dealer, arguing it imposes unconstitutional restrictions on gun sales.

Sen. Chuck Grassley (R-Iowa) joined Sens. John Cornyn (R-Texas) and Thom Tillis (R-N.C.) in introducing a Congressional Review Act (CRA) resolution to overturn the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) rule, which they claim effectively enstates universal background checks. Grassley accused the ATF of overreach, saying, "The Biden administration's ATF is making a brazen attempt to skirt Congress and the Constitution. The ATF continues to abuse its authority."

Cornyn, who originally helped negotiate the 2022 gun violence prevention law sparking the ire of gun owners, is now criticizing the administration for exceeding the law's intent. "We will fight this lawless rule tooth and nail to ensure the God-given right to keep and bear arms is preserved," he said in a *Roll Call* article, adding that the rule distorts congressional intent and violates constitutional rights. Cornyn also told the media outlet that the administration's actions have undermined bipartisan trust, stating, "Every time that they ask for bipartisanship, then if you provide bipartisan solutions, they overreach." Of course, Democratic Party overreach is something Cornyn, a longtime politician, should've seen coming. Most American gun owners certainly did.

The ATF rule, officially adopted last month, changes the definition of who qualifies as "engaged in the business" of dealing firearms, requiring more sellers to conduct background checks. The 2022 law altered the requirement from selling firearms for "livelihood and profit" to "predominantly earn a profit." The rule is intended to capture more commercial sellers, not hobbyists or occasional private sales, however, the ambiguous nature of the language and the failure to have it approved through the congressional process, almost certainly guarantees it will most certainly ensnare hobbyists and private sellers. Just ask the family of the late Little Rock, Arkansas, airport executive Brian Malinowski, who was shot dead by ATF agents raiding his home in the middle of the night this past March.

Senate Democrats, including Majority Leader Charles E. Schumer (D-N.Y.), a well-known and chronic political deceiver, have praised the rule as a significant step toward universal background checks. Schumer highlighted the rule as a result of bipartisan efforts to *Roll Call*, saying, "Change is possible when both sides work together" He neglected to add, "or when the Biden Admin unilaterally passes a rule that was not the voted on legislation of Congress."

However, Republicans who negotiated the 2022 law, such as Tillis, feel betrayed by the administration's interpretation, though they should have known this was part and parcel of how the Dems operate when it comes to gun laws. "This overreach is exactly why Republicans don't trust this Administration," said Tillis, echoing the sentiments of half of America and virtually every gun owner who supports 2A rights in this country. "I encourage my colleagues to support this CRA we introduced and immediately overturn this ridiculous regulation."

The CRA resolution follows a court challenge against the rule. Under the CRA, Congress can vote to overturn a federal regulation, which would then require presidential approval. Despite likely facing a veto from President Joe Biden, who has repeatedly supported the rule since it was his administration that urged it on the ATF, the resolution represents significant GOP opposition and could hamper future efforts at obtaining bipartisan support on other important topics.

The ATF and White House have not commented on the resolution. The dispute highlights the broader issue of legislative trust and the difficulties in implementing bipartisan agreements, particularly on contentious issues like gun control.

### **Study Confirms Gun Magazine Capacity Over 10 Rounds is the Standard**

Along with "assault weapon" bans, so-called "high capacity" magazine restrictions are a cornerstone of modern gun control. These terms rely on distorted and alarmist labels to describe standard features or equipment, and seek to portray these as unusual or unusually dangerous. "Large capacity magazines" or "high-capacity ammunition feeding devices" are not precise definitions, but usually rest on an arbitrary limit of able to hold more than ten cartridges.

Judge Roger T. Benitez, in a pre-*Bruen* case involving a challenge to California's law banning "large capacity magazines" (LCMs), explained that such bans are inconsistent with the Second Amendment. "The United States Supreme Court in *District of Columbia v. Heller* established a simple Second Amendment test: The right to keep and bear arms is a right enjoyed by law-abiding citizens to have arms that are not unusual 'in common use' 'for lawful purposes like self-defense.'... It is a hardware test. Is the firearm hardware commonly owned? Is the hardware commonly owned by law-abiding citizens? Is the hardware owned by those citizens for lawful purposes? If the answers are 'yes,' the test is over. The hardware is protected."

The same message was repeated in the later *NYSRPA v. Bruen* decision, where the U.S. Supreme Court quoted *Heller* that "the Second Amendment protects the possession and use of weapons that are 'in common use,'" and that what matters under the historical tradition of firearm regulation is whether the arms are "unquestionably in common use today."

Nonetheless, gun control advocates like Everytown continue to press for bans on standard, ordinary magazines that hold more than ten rounds alleging, among other things, that these are not "arms" that the Second Amendment protects because they are not in common use and not typically possessed by law-abiding citizens for lawful purposes like self-defense.

Anti-gun advocates may have run out of evidentiary road on the claim that magazines able to hold more than ten rounds are not constitutionally protected. The National Shooting Sports Foundation (NSSF) has released a comprehensive *Detachable Magazine Report, 1990-2021* that unequivocally debunks their claims. This study analyzes manu-



facturer and sales data on magazines and magazine capacity over an extended period of time starting in 1991 (“[n]o reliable data exists prior to 1990 to estimate historic detachable magazines that may still be available for sale or in working condition”).

The NSSF study concludes that the “national standard for magazine capacity for America’s gun owners is greater than 10 rounds.”

**Among the other significant findings are:**

- Overall, almost a billion (963 million) magazines “were produced and entered the commercial market between 1990 and 2021.” The study “does not claim all the magazines estimated in [it] are owned by Americans; these are both magazines estimated to be in circulation and made available for sale at some point from 1990 to 2021;”
- The overwhelming majority of these – approximately 74 percent, or 717 million magazines – have a capacity of eleven or more rounds, and almost half (about 46 percent) “are rifle magazines with 30+ round capacity.” More than half (about 55 percent) of total pistol magazines are detachable 11+ magazines. If the 717 million total was applied exclusively to Americans, it works out to over two “LCMs” per person based on the U.S. population in 2022, 333.3 million;
- Comparing magazines that ship or “come in the box” with the firearm, and “aftermarket” sales (e.g., magazines distributed to the consumer market for firearms that have already been sold), the report found that 29 percent of the magazines in the study originated from detachable magazines provided “in the box” with a newly manufactured firearm, while 71 percent were an “aftermarket” product;
- The estimated number of pistol and rifle magazines in circulation with a capacity of 10 rounds or less is just 245,872,000;
- “The consumer market totals of rifle magazines show 30+ capacity magazines, over 413 million, are over thirty times the amount available than 10 and below capacity rifle magazines, about 13 million”; and
- Over 40 percent (43.3 percent) of firearm owners overall reported owning a detachable magazine with a capacity of 11 or more rounds. More generally, these “findings indicate that approximately 8.9 percent of the U.S. population owns a magazine holding 11 or more rounds.”

As the study notes, “legislation outlawing or granting access to these magazines may change overall market proportions but the preference to have more ammunition available is clear.”

Based on these figures, an American gun owner is much more likely to own a magazine capable of holding eleven or more rounds than one that holds ten or less. Not only are such magazines ubiquitous and unquestionably in “common use” by tens of millions of Americans, continuing to describe such devices as “high capacity” or “large capacity” suggests, quite wrongly, that they are other than ordinary or somehow stretch capacity beyond what is intended by manufacturers. Moreover, far from being highly unusual or unusually dangerous, the overwhelming majority of such magazines are owned by citizens who use them for lawful pursuits like hunting, recreational shooting, and self-defense.

In short, in a country where close to ten percent of the population owns a magazine holding eleven or more rounds (and where such magazines potentially outnumber magazines of ten rounds or less by almost three to one), the notion that these magazines are not commonly in use and not typically possessed by ordinary citizens is ludicrous. To borrow the language of a federal appeals court from almost 15 years ago, “[t]here may well be some capacity above which magazines are not in common use but, ... in any event, that capacity surely is not ten.”





## US RIFLE, Cal. 30 M1 Garand

**We will have a limited number of raffle 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 for the rifle will be in July 2024, either at the Missouri Valley Arms Collector Show or the WMSA General Membership Meeting.

Go recruit new members, get a free ticket for every member and exhaust our limited number of tickets.



### **Smith & Wesson M&P FPC 9mm pistol calibre carbine**

**Tickets can also be obtained via mail by sending a check to the WMSA, P.O. Box 11144, Kansas City, MO 64119.**

**Tickets are \$5 each or 5 for \$20**

**Come to our next General meeting and buy your tickets!**

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# MEMBERSHIP APPLICATION

## WESTERN MISSOURI SHOOTERS ALLIANCE

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  
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Occupation: \_\_\_\_\_

Mail to:  
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**P.O. Box 11144**  
**Kansas City, MO 64119**

Hotline (877) 333-WMSA  
[www.wmsa.net](http://www.wmsa.net)  
 County: \_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_\_

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\_\_\_\_ Senior (65+)  
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\_\_\_\_ Associate  
\$15 (spouse, no newsletter)

\_\_\_\_ 3 Year Annual  
\$100

\_\_\_\_ 3 Year Senior  
\$70 (65+)

\_\_\_\_ 3 Year Associate  
\$40 (spouse, no newsletter)

\_\_\_\_ Sponsor  
\$100 (4 business card  
ads per year.)

\_\_\_\_ Sponsor  
\$250 (12 business card  
ads per year.)

*Dedicated to the restoration of the inalienable right to keep and bear arms as guaranteed by the Second Amendment*



**Western Missouri Shooters Alliance**  
**P O Box 11144**  
**Kansas City, MO 64119**

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

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**\*REMINDER\*** Next General Meeting is scheduled for Tuesday, **July 23, 2024 at 7:00 PM**  
 Meeting located at **Bass Pro Independence, MO**

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

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## WEB ADDRESSES - *Get educated!*

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 703-321-8585

The National Rifle Association  
[www.nra.org](http://www.nra.org)  
 800-672-3888

The Second Amendment Foundation  
[www.saf.org](http://www.saf.org)  
 425- 454-7012

Gateway Civil Liberties Alliance  
<http://www.gclastl.org/>  
 866 385-GUNS (4867)

Missouri Carry  
 Online Forum  
[www.missouricarry.com](http://www.missouricarry.com)

Arming Women Against Rape and Endangerment  
[www.aware.org](http://www.aware.org)  
 877-672-9273

Women Against Gun Control  
[www.wagc.com](http://www.wagc.com)  
 801-328-9660