



THE MANUAL

The newsletter of the Fenton Lakes Sportsman's Club



Fenton, Michigan

August 2024

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FROM THE EDITOR

As noted in last month's edition, Keith Morris is dealing with a significant personal challenge.

Because of this, Keith announced at the July business meeting that he was stepping down as Club President, in order to conserve his time and energy, and focus on his family.

This author would like to thank Keith for his contributions, past and future, to the FSLC, and pray the best for him and his family for the future.

Regards,
Paul Taylor
Editor – The Manual

CALLING ALL MEMBERS!

Our Club runs on our volunteer efforts, and the more members who donate their time and effort to running the Club, the easier the effort for everyone, and the merrier time we have doing so!

As noted above the position of President of the Fenton Lakes Sportsman's Club is open. Please seriously consider volunteering for this position, or some other office in the Club, so as to free up someone else to volunteer for President.

We have one specific volunteer event in the month of August: the setup for the Cowboy Action Shooting Match on Saturday, August 10th, from 1:30PM-5:00PM, and if there's a good turnout of volunteers, it'll be done before 5:00PM! The setup will be at the outdoor 25- and 50-yard range.

There is always, of course, the recurring events, such as the Monday cleanup of the Clubhouse, from 8:00AM-11:00AM, every Monday, and again, many hands make light work. So come on out, get to know some of your fellow members, and have a good time making our Club a great place to enjoy the shooting sports!

Finally, we are always looking for members to volunteer as board members. Attending a business meeting is the best way to get an idea of what that looks like.

So come to the next business meeting, see how we do things, and volunteer your time to help run our Club!

To volunteer for a specific task, you can just show up on the date and time, and we'll put you to work. To volunteer generally, contact our Volunteer Co-ordinator Bill Tocco at Volunteer@fentonlakes.com.

Finally, you can earn a discount on your membership fee by volunteering. So come on out, and lend a hand!

UPCOMING ACTIVITIES

Line Dance Lessons

Line Dance lessons continue this month, on Thursday August 1st, 8th, 15th, 22nd, and 29th. They will be in the Banquet Hall, on the 1st floor of the Club House from 7:00PM-9:00PM.

Junior Small Bore Rifle CMP Program

The Program continues this month, on Thursday, August 1st, 15th, and 29th, from 6:00PM-8:30PM, in the indoor range, in the lower level of the Clubhouse.

See the [Civilian Marksmanship Program's page](#) for more details.

Medical Response Training class

The Medical Response Training class being offered again this year through the National Ski Patrol, will continue this month on Wednesday, August 7th, 14th, 21st, and 28th, at 6:00PM-9:00PM, in the 1st floor Banquet hall.

Cowboy Action Shooting Setup and Match

The Single Action Shooting Society is putting on a shooting match on Sunday, August 11th, from 8:30AM-12:30PM, at the 25 and 50 yard outdoor ranges. Setup for the Match will be on Saturday, August 10th, from 1:30PM-5:00PM. See our [SASS page](#), for more information.

FSLC Business Meeting

Our monthly business meeting will be held Tuesday, August 13th at 7:00PM, on the first floor of the Clubhouse. All Club members and the public at large are welcome to see how things get done, and have some input.

Steel Challenge

The Steel Challenge will be held on Saturday, August 24th, from 9:00AM-1:00PM, at the outdoor ranges.

Pre-registration is required. See our [Steel Challenge page](#) for more information, and the registration link.



THE BUTCHER BUTTE GANG ROUNDUP

by Jim Twesten

On July 14, 2024, ten cowboys and cowgirls came to Fenton to play. Included in those ten were a couple from Ann Arbor and a couple who came all the way from Petoskey. We also had one person who had never played cowboy before.

The people from Petoskey had contacted me a couple days before the match to make sure that they had read the local categories correctly. They wanted to shoot our local "city slicker" category as they didn't want to bring all their equipment with them. So, they showed up with

just a single action revolver each. After the match they both said that they had a great time and hoped to come again.



The brand new shooter (Slug Hugger) did well. Those of us that have been playing this game for a while watched him to make sure he was shooting safely and coaching him through the first couple stages until he got the hang of it. He assured us that he would be back.

Our next match is Sunday, August 11. Registration starts at 8:45 and the match will begin approximately 9:30. Of course, hearing and eye protection is required. If you've never shot a cowboy match at Fenton before your cost to participate is only \$5.00.

I have heard from a pretty reliable source that the August match will include the Texas Star. So, c'mon out and join the bang and clang festivities.

Jim Twesten is the FSLC's Cowboy Action manager, and may be wanted in several jurisdictions!

RANGE RULE HIGHLIGHT

This month, we would like to cover the general idea of the rules specific to the outdoor range, which may be found on pages 4-5 of the Club handbook.

The gist of most of the outdoor range-specific rules are that certain behaviors must be avoided, if the range berms are to be effective in stopping rounds, and so protect Club users, and the public.

Rule 1 is an example. It reads "All targets must be set on the specified target line..." The main reason for this is to ensure that all rounds fired on the outdoor ranges are stopped by their respective berms. If a round were fired at a spot farther away from the berm there would be the possibility that it might skip off a rock, or gravel, and be redirected upward so that it cleared the top of the berm. Such a possibility should be avoided.

The majority of the other rules have similar justifications. Please keep this, and the range rules in mind when you enjoy FSLC's facilities.

So please remember the basic firearm safety rules, and if you have any questions regarding the range rules, please contact any member of the Club Board, or staff, but specifically, **Larry Andrykovich** is the indoor range manager, and he can be reached at IndoorRngMgr@fentonlakes.com or (810)240-8610; and **Jonathan O'Dell** is the outdoor range manager, and he can be reached at OutdoorRngMgr@fentonlakes.com or (586)718-4503.

So come on out to our Club with your friends, neighbors, co-workers, anyone that would enjoy some range time, let's all be safe, and have fun!

LEGAL NOTES

By Paul C. Taylor

Our Club's reason for being is the support of the outdoor sports of firearm and bow, and given that an integral feature of that is the ownership and use of firearms, and we are distinctly an *American* sportsman's club, it follows that the right to keep and bear arms and to self-defense via the use of those arms are vital to that purpose.

So in support of our Club's efforts, this column offers information, news and commentary relevant to the state of the law in Michigan, as it relates to the right to keep and bear arms.

While it would be inappropriate, and even sanctionable, for this author to offer advice as to any particular course of action without the appropriate attorney and client relationship, it is appropriate, and beneficial to share knowledge of the state of the law, pertaining to firearms, in Michigan. As the old saying goes, knowledge is power, and shared knowledge is king. Thus, please consider the foregoing.

This month, a significant Supreme Court of the United States (SCOTUS) decision on a Second Amendment defense to a Federal criminal prosecution will be discussed. While such prosecutions are uncommon, the SCOTUS opinion shows a tendency of the Court to make [New York State Rifle & Pistol Association, Inc. v. Bruen](#) less restrictive in regard to laws that limit our 2nd Amendment rights.

The case, [United States v. Rahimi](#), originated as a Federal prosecution in the State of Texas. The SCOTUS opinion was authored by Justice John Roberts, with only Justice Clarence Thomas dissenting. SCOTUS held that if a person is found to present a threat of serious harm or death to the public, his right to keep and bear arms may be temporarily taken away. Justice Thomas' dissent argued that the majority's opinion is inconsistent with **Bruen**.

Since this is the general rationale behind the so-called “red-flag”, or “extreme risk protection order” laws, this opinion will generally support the argument that such laws do not violate the 2nd Amendment.

BACKGROUND

Rahimi involved one Zackey Rahimi, a resident of Texas who was to put it mildly, a lunatic. He used a firearm on *numerous* occasions to threaten, or attempt to harm his one-time girlfriend, and members of the public. He was finally charged by a Federal prosecutor, claimed a 2nd Amendment challenge to the law, lost in trial court, eventually won on appeal, but the prosecutor appealed to SCOTUS.

It is not clear whether he was criminally charged for these incidents. What is relevant is that at some point a civil domestic violence restraining order was entered against him that prohibited him from have contact with his ex-girlfriend, except to talk about their daughter, suspended his firearm license, and prohibited him from stalking or threatening her. The order was to last for two years. He later violated many of the terms of the order. Finally, a police search of his home discovered a number of firearms and ammunition, and he was charged under Federal law, specifically [18 USC § 922\(g\)\(8\)](#).

Section 922 of the Federal Criminal Code covers a number of situations where a person commits a crime by possessing a firearm, or ammunition. The crime is a felony, which was punishable by 10 years in prison, but which has since been increased to 15 years. The law has been used against defendants whose possession was that of picking up a firearm for a few seconds to inspect; ammunition being found in a home occupied by the defendant, and other persons; and possession of *parts* of a firearm. A conviction under this section makes the defendant a felon, who may never again possess firearms or ammunition.

Mr. Rahimi was charged under subsection [(g)(8)] that requires that he be in possession of a firearm or ammunition while subject to a domestic violence restraining order. The order must have been issued after a hearing in which he was actually notified of, and he had an opportunity to be heard; the order must prohibit him from stalking, threatening, etc... his “intimate partner” or the intimate partner’s child; he must have been found to present a threat of physical force to the intimate partner or child; and the order must explicitly prohibit him from the use or threat of violence against his intimate partner, or the partner’s child.

Mr. Rahimi brought a motion to dismiss on the grounds that the Federal law violated his 2nd Amendment rights, which the trial court denied. He then entered a guilty plea, and appealed to the 6th Federal Circuit Court of Appeals. His appeal was denied, and he filed a petition for a rehearing by the entire bench of the 6th Circuit. Shortly after, SCOTUS issued its opinion in **Bruen**.

The 6th Circuit then ordered new argument in light of **Bruen**, and a new opinion. The new opinion found for Mr. Rahimi, and set aside his conviction. The Federal prosecutor appealed to the U.S. Supreme Court, and *many* organizations, politicians, law professors, and others filed *amicus* briefs. SCOTUS issued its opinion on June 21, 2024.

SCOTUS OPINION

The opinion applies **Bruen** to the Federal law because that was the basis for Mr. Rahimi's challenge to the charge against him. Two different legal precedents from the founding of the U.S. are used to conclude that the Federal Law does not violate the U.S. Constitution, no matter what the facts. A number of justices disagreed on minor, but interesting points of law with the majority.

Justice Clarence Thomas dissented, arguing that the opinion makes a mistake of law by using *parts* of two laws to satisfy the **Bruen** analysis, when the **Bruen** requires that the challenged law be *wholly* analogous to a law from our country's founding, in order to find that the challenged law does not violate the 2nd Amendment.

The opinion begins, as is usual, with a recitation of the facts underlying the case, and they aren't pretty. This is important, because the maxim "bad facts make bad law" points out that one should be careful not to be biased in a case where the person may have engaged in reprehensible conduct. In addition, Mr. Rahimi made a *facial* challenge to the Federal law, meaning that the law violated the 2nd Amendment regardless of any conceivable set of facts.

The majority then makes their argument that the law does not violate **Bruen** because of two Founding-era laws: "surety" laws, that allowed a court to find that a person presented a threat of future violence, and so require a *surety*, or bond, as a condition of carrying a weapon; and "affray" laws that made it a crime to go in public armed, *and* act in such a way that causes fear and terror amongst the public.

The Court argues that the surety laws were analogous to the Federal law in that both were justified by the threat of future harm to domestic partners/the public; and that affray laws and the challenged Federal law were analogous in that they both provided criminal penalties for the possession of weapons.

Thus, the majority finds that since the challenged Federal law is analogous to some aspects of two Founding-era laws, that under **Bruen**, the law does not violate the 2nd Amendment.

JUSTICE THOMAS' DISSENT

Justice Thomas' dissent points out that **Bruen** requires that for the challenged law to not violate the 2nd Amendment, it must be analogous to a Founding-era law *both* in the justification for the law, *and* in the burden it places upon a citizen's 2nd Amendment rights, and so the Federal law is *not* analogous to any Founding-era law, and so it violates the 2nd Amendment..

As to surety laws, Thomas argues that while they are justified by the provably credible threat of future violence, they did not categorically deny the person subject to the law the right to keep and bear arms, but only required that the person provide other persons willing to pay the surety, if the person in question *actually* committed violence in the future. In contrast, the challenged Federal law *completely* extinguishes a person's right to keep and bear arms because of a provably credible threat of future violence. So the surety laws are not analogous to the Federal law.

Thomas then goes on to point out that while the affray laws made it a crime to go armed in public, there was the additional requirement that the person charged with the crime of affray had acted in a way that caused fear or terror in the public. So affray laws were not about future crime, but about *past* conduct. In addition, since affray was a criminal charge, the person so charged was protected by the 5th and 6th Amendments, but the challenged Federal law depends

merely on the finding of a civil court; which only requires the person be actually notified of the proceeding, that they have an *opportunity* to be heard, and the court engage in some language formalities. Justice Thomas specifically notes that some jurisdictions accept hearsay as evidence in such proceedings. Because of all of this, Thomas concludes, the affray laws are not analogous to the Federal law.

Thus Thomas argues that since the Federal law is not analogous to any Founding-era law in both justification and burden, as ***Bruen*** requires, the law violates the 2nd Amendment.

LEGISLATIVE UPDATE

[Senate Bill 857](#) and [Senate Bill 858](#), which were discussed in the July Legal Notes, have been in the [Committee on Civil Rights, Judiciary, and Public Safety](#) since June 2, 2024.

There will be commentary on ***U.S. v. Rahimi*** in future newsletters, so in the meantime, keep your head on a swivel, [don't talk to the police](#) without an attorney, and have fun at our Club!

Paul C. Taylor is a member in good standing of the State Bar of Michigan.