



THE MANUAL

The newsletter of the Fenton Lakes Sportsman's Club



Fenton, Michigan

September 2024

IN THIS ISSUE

- From the Editor
- Calling All Members!
- Upcoming Activities
- Legal Notes
- Range Rule Highlight

FROM THE EDITOR

We are pleased to announce that a Club member has answered the call, and William “Chip” Marks is now our new Club President!

Also, member-provided content would improve this newsletter, so if you have any ideas, notes, rough drafts, finished pieces, etc... regarding the shooting sports, please don't hesitate to send anything and everything to us via email to ClubPresident@fentonlakes.com or Newsletter@fentonlakes.com. Finished pieces will be edited for grammar only, and all submissions will be attributed as requested.

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!

We have one specific volunteer event in the month of September: the setup for the Cowboy Action Shooting Match on Saturday, September 7th, 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, and we especially want to hear from you about your ideas for new Club events. Attending a business meeting is the best way to get an idea of what that looks like, and to bring up ideas for new Club events.

So come to the next business meeting, see how we do things, let us hear your ideas for new events, 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

Clays Summer League

Our Sporting Clays Summer League continues on September 2nd, 9th, 16th, 23rd, and 30th from 6:00PM-9:00PM, at the outdoor Sporting Clays course..

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, September 4th, 11th, 18th, and 25th, 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, September 8th, from 8:30AM-12:30PM, at the 25 and 50 yard outdoor ranges. Setup for the Match will be on Saturday, September 7th, from 1:30PM-5:00PM.

See our [SASS page](#), for more information.

FSLC Business Meeting

Our monthly business meeting will be held Tuesday, September 10th 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.

Junior Small Bore Rifle CMP Program

The Program continues this month, on Thursday, September 12th, and 26th, 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.

First Steps Pistol training

This NRA sanctioned introductory class will be held Saturday, September 21st, from 1:00PM-5:00PM.

This class should fulfill the pre-requisite requirement for the NRA Personal Protection in the Home that will be held the next day.

See our [NRA First Steps Pistol](#) page for more information, and registration.

NRA Personal Protection in the Home Class

This NRA developed course will be held on Saturday, September 22nd, from 8:00AM-6:00PM, in the Training Room in the lower level of the Clubhouse.

Completion of a basic pistol course is a pre-requisite for this course.

Completion of this course will satisfy the training requirement for a Michigan Concealed Pistol License application.

Please see our [training page](#) for information, and signup.

Please see [NRA's Personal Protection in the Home website](#) for more information.

Junior Rifle

This firearms introductory class for boys and girls 10-18 years of age begins on September 24th, at 5:00PM-9:30PM, in the lower level of the Clubhouse, and continues through the school year.

Please see our [Junior Rifle](#) program page for more information.

Project Appleseed Pistol Clinic

This basic pistol clinic, which seeks to teach fundamental pistol skills, will be held Saturday, September 28th and 29th, from 7:00AM-5:00PM, in the lower level of our Clubhouse.

For more information, and to register please see the [Project Appleseed web page](#).

Steel Challenge

The Steel Challenge will be held on Saturday, September 28th, 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.

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.

HAS BRUEN FALLEN?

This month's column will offer commentary on 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.

You may remember the ruling in [United States v. Rahimi](#) was highlighted in last month's Legal Notes column, especially the lone dissent by Justice Clarence Thomas.

In short, the majority opinion in [Rahimi](#) represents an effort to *weaken* Bruen's express limitation of firearm regulation via a requirement that any regulation be analogous to those extant at the time of the enactment of the Second Amendment, or when the 2nd Amendment was applied to the States via the 14th Amendment.

Thus the majority opinion in **Rahimi** represents at least a partial, if not total *repudiation* of **Bruen**. This is significant in that such a repudiation allows courts to be much less restrictive of laws and regulations that limit our Second Amendment rights, particularly of so-called “red flag laws”, also known as “extreme risk protection order” laws.

Bruen Background

Bruen was not the origin of the analog test for firearms regulation, but is an attempt by SCOTUS to push back on lower court rulings after SCOTUS’ 2008 opinion in **District of Columbia v. Heller**. This pushback was occasioned because lower courts had watered down the analog test of firearms regulations by allowing judicial approval of the challenged regulation if the court could articulate a “means-end” justification for the challenged law.

A means-ends test is also known as a “rational basis” test. The test generally requires that if a court finds that the government has a legitimate interest that the challenged law is meant to address, and the challenged law somehow addresses this interest, then the law does *not* violate the U.S. Constitution. If a court finds that this test applies, it is practically guaranteed that the challenged law will be found to be constitutional.

Thus, post-**Heller**, courts were *not* striking down many firearms regulations as unconstitutional, despite the fact that the SCOTUS opinion required them to find a Founding-era analog to the challenged firearm law, in order to find that that law was constitutional. This is why **Bruen** was necessary.

The **Bruen** Opinion

The petition in Bruen was filed December of 2020. The 6-3 majority opinion authored by Justice Thomas was issued in June of 2022.

The opinion specifically addressed the problem of the lower courts watering down the analog test of **Heller**. In Justice Thomas’ words, it was “one step too many”, meaning that the Founding-era analog test was the *only* criteria for testing if a firearms law violates the U.S. Constitution.

The Bruen opinion reaffirmed a number of principles: 1. That the U.S. Constitution presumptively protects an individual’s right to keep and bear arms for self-defense. 2. That the government must justify any law that infringes upon this right to keep and bear arms. 3. The government’s justification must “...demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.”

The opinion goes on to specify that in order to justify a firearms law, the government must show that the challenged law is “relevantly similar” to a Founding-era firearms law that was generally accepted as constitutional. The test as to whether the laws were relevantly similar, the primary questions were “...how and why the regulations burden a law-abiding citizen’s right to armed self-defense.”

While it is not explicitly stated in these excerpts, or the opinion as a whole, it is clear that the intent of the **Bruen** Court that this analog test be a *one-to-one comparison*.

Unfortunately for our Second Amendment rights, the SCOTUS opinion in **United States v. Rahimi** ignores this, and provides courts with an end-run around **Bruen**,

Rahimi and Justice Thomas' Dissent

As discussed in the August Legal Notes, **United States v. Rahimi** was petitioned to SCOTUS in March of 2023, and the opinion was issued in June of 2024. The 9-1 majority opinion authored by Justice John Roberts, was issued in June of 2024. Justice Clarence Thomas was the lone dissent.

In brief, the majority stated that since the Federal law that was effectively a “red flag” law was analogous to Founding-era surety laws in that they were both justified by the threat of future violence, and with affray laws in that they both criminalized the bearing of *any* firearm, thus the challenged Federal law did *not* violate the U.S. Constitution, and so could stand.

It is worth noting that this SCOTUS opinion has been seen to support the red flag laws that have been enacted in many States. Justice Thomas' dissent argues that the majority opinion ignores the basic ruling of **Bruen**.

Justice Thomas' Dissent

Justice Thomas' dissent, in brief, points out that the majority opinion ignores the central holding of **Bruen** in that it does *not* find an analog in a Founding-era firearms regulation, but merely finds *two* regulations that are similar in only *one* relevant aspect, to support a finding that the challenged law is constitutional.

As to the surety laws, Justice Thomas argues that while they were justified by the threat of future violence, they did *not* criminalize the possession of firearms, but merely required the individual to post a bond, which would be forfeited *if* the individual actually committed violence in the future.

Likewise, the affray laws, which criminalized the carry of all firearms, required that such possession be used to terrorize the public, and a criminal prosecution, with its attendant due process protections.

Thus, Justice Thomas would strike down the Federal law as unconstitutional, which would have ramifications for such red flag laws nationwide.

Commentary

It is difficult to justify the SCOTUS opinion of **Rahimi** in light of **Bruen**. While the mind of the Supreme Court Justices may be inscrutable, an unbiased assessment of the reasoning in **Rahimi** belies a bias against not only the previous opinion in particular, but the 2nd Amendment, and *all* of our rights in general. The reasoning of **Bruen** is the same as in any question of the justification for any government infringement of our Constitutional rights.

This effect of this opinion's flawed reasoning is especially poignant in that it gives us the *most* repugnant of the two Founding-era regulations cited, without the limitations: the criminalization of *future* crimes of the surety laws, and the blanket infringement of our rights presented by the affray laws.

So to answer the question posed in the title to this commentary, **Bruen** has not explicitly fallen, but it has been severely undermined, and so in practice, it may fall. Whether it does or not depends largely on the integrity of our appellate and trial court judges.

Finally, while the **Bruen** court sought to redress lower court's refusal to protect our 2nd Amendment rights, there is no court, other than a future Supreme Court, that may redress the

unjustified departure from the vigorous defense of our rights that is a requisite for the United States to be the beacon of freedom in a sea of totalitarianism that is has been.

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 discussion and commentary other court cases and laws 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.

RANGE RULE HIGHLIGHT

This month, we would like to cover one of the rules specific to the indoor range, which is indoor range rule #1, which may be found on page 4 of the Club handbook.

Indoor range Rule 1 reads “No food or drinks are allowed in the indoor range.” The main reason for this is to protect the health of users of the indoor range from the deleterious effects of the ingestion of lead and propellant residue.

You may be aware that the firing of a firearm introduces the by-products of the combustion of the propellant found in cartridges, as well as trace amounts of lead, which result from the passage of the bullet down the barrel of a firearm. Despite our indoor range exhaust system, small amounts of these contaminants may become deposited upon surfaces inside the indoor range, including the clothing of the people inside the range.

This is the main reason for indoor range rule #1. To reduce the possibility that users of the range ingest contaminants from firearm operation. For this reason we also recommend that users in the range refrain from putting their hands to their mouth, wash up using the pink soap in the bathrooms after shooting, and wash the clothes you wore to the range as soon as possible.

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!