



# FOAC - Monthly Meeting Agenda

## May 10, 2020

### 1. Call to Order / Pledge of Allegiance / Moment of Silence – Troops / Prayer

**Roll Call:** Quorum [Yes] [No]

- |                     |                    |                   |                 |
|---------------------|--------------------|-------------------|-----------------|
| 1) Kim Stolfer      | 4) Aaron Bernstine | 7) Chip Gallo     | 10) Leon Baker  |
| 2) Jim Stoker       | 5) Ed Bogats       | 8) Gerald Jackson | 11) Klint Macro |
| 3) Danielle Ohliger | 6) Open Seat       | 9) Dan McMonigle  |                 |

### 2. Approval of Proposed Agenda:

2.1.Changes (if any):

### 3. Guest Speaker(s):

### 4. Secretary's Report: FOAC Secretary: Dale Brackin

4.1 Minutes

### 5. Spring Gun Bash –Gun Bash status

### 6. Election Issues

#### 6.1 Primary date is June 2<sup>nd</sup>

**6.2 FOAC Voter Guides on line** – Candidate questionnaires have been coming in and voter guides are available – either sign in to FOAC website or enter your street and zip code and a personal voter guide will be generated for you for both the State and Federal Primary election. You can also obtain the complete guide for an entire county by using the drop-down menu on the right side and selecting the county.

[.https://foac-pac.org/Voter-Guide](https://foac-pac.org/Voter-Guide) Be sure to make copies and share with others.

#### 6.3 FOAC is actively involved in candidate support for several critical primary elections.

**6.3.1 Continuing Problems with Email Companies** – legitimate emails are being handled with intentional bias and censorship – FOAC questionnaires and emails to members ending up in spam files, undeliverable or deleted – steps to address

**6.3.2 More on mail in ballots** -As of 5/1/20 in Allegheny County 96,006 total mail-in ballots were processed - 76,000 Democrats and 18,000 Republicans. Nearly one million have been applied for in Pa.-Research shows that 28.3 million ballots were unaccounted for in four elections <https://foac-pac.org/28-Million-Mail-in-Ballots-unaccounted-For-In-Four-Elections:-Report/News-Item/10999> - the largest potential for voter fraud <https://crimeresearch.org/2020/04/in-the-wall-street-journal-heed-jimmy-carter-on-the-danger-of-mail-in-voting-absentee-ballots-remain-the-largest-source-of-potential-voter-fraud/> Trumps victory was an absolute shock to progressives who already planned on Clinton being a slam dunk. Are mail in ballots the big prize for progressives to be able to achieve what they could not achieve through our traditional secret ballot election process – Dr Lott audio interview

<https://crimeresearch.org/2020/04/on-the-michigan-talk-network-discussing-the-push-for-mail-in-ballots/>

### 7.Current activist issues &efforts –

**7.1 FOAC vs Harrisburg**–The Pa Supreme Court will take up Harrisburg's appeal of the Commonwealth's ruling that FOAC has standing to challenge Harrisburg's firearm laws which violate Pa preemption laws." One of the legal principles that can be most annoying is the issue of standing. In other words, someone has to show they were impacted by a law in order to challenge a law, even if it's a ridiculously stupid law. In many cases, that means you have to be charged with breaking that law. However, that's a problem, particularly on things like gun rights cases. Once you break the law, you run into issues with your gun rights. Even if you don't commit a felony, you could end up losing expensive property that's renamed "exhibit A".<https://foac-pac.org/Pa-Supreme-Court-To-Rule-On-Standing-In-Preemption-Case/News-Item/11007>

The specific question posed by Harrisburg's appeal that the Supreme Court will address on the matter is: "Whether the Commonwealth Court's decision to grant (FOAC), who have not been cited under the City of Harrisburg's gun control ordinances and for whom any harm is remote and hypothetical, individual and

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associational standing to challenge the City of Harrisburg's gun control ordinances, directly conflicts with this Court's jurisprudence." <https://foac-pac.org/Will-A-Lawsuit-Against-Harrisburgs-Gun-Ordinance-Survive-Scrutiny-By-The-Pa-Supreme-Court/News-Item/11003> Is it necessary to be charged with a crime, i.e. to become a criminal in the eyes of the law to challenge a law – especially one that violates state law? (so, who exactly is the criminal here???) On the other hand, if standing is understood to mean being impacted by the law then, municipalities which enact firearms laws (and do so illegally) impact all firearm owners - it is not remote and hypothetical.

This is a critical decision. A negative decision could end FOAC's suit. The argument of the Commonwealth's Court in favor of FOAC was extremely clear and strong and we are looking for the same from the Pa Supreme Court. "Writing for the majority, Judge Kevin Brobson noted that the appellants here "have no real alternative to address their grievance. They can curb their conduct to conform to the ordinances' mandates or they can willfully violate the law and face criminal prosecution... "It makes little sense to wait for appellants to break the law, which we presume they do not want to do, before they can challenge it," Brobson concluded." <https://www.pennlive.com/news/2019/09/suit-against-harrisburg-gun-control-ordinances-can-proceed-pa-commonwealth-court.html>

**7.2 FOAC vs Pittsburgh Lawsuit** – Everytown lawyers representing Pittsburgh Mayor and City Council apparently have a significant reading disorder as they have advanced what is essentially a frivolous appeal maintaining Pittsburgh has the legal authority to regulate use of firearms. Pa state preemption law clearly reads: § 6120. Limitation on the regulation of firearms and ammunition. (a) General rule. —No county, municipality or township **may in any manner regulate** the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth. <https://foac-pac.org/Pittsburgh-Argues-It-Has-Legal-Authority-To-Regulate-Use-Of-Firearms/News-Item/11019>

**7.3 HB 2440 (Sportsmen's Clubs and Ranges)** – In an effort to reopen sportsmen's clubs and gun clubs which have been shut down due to the nonessential status in the governor's guidelines the pa house state government committee has been addressing HB2440. FOAC (Kim Stolfer) as well as Attorney Prince, have been actively involved in discussion with legislators helping to move the bill from bad, to somewhat better, to finally a good version. The original version contained numerous significant problems. The first amended version was somewhat improved but still had problems it essentially stated: "The Secretary of Community and Economic development shall immediately issue a waiver to the Governor's 20200319 TWP COVID-19 Business Closure Order to all outdoor sportsman clubs that can adhere to social distancing practices, mask requirements and other mitigation measures defined by the Centers for Disease Control and Prevention to protect individuals and to mitigate the spread of the COVID-19 virus." In spite of the changes this bill failed to protect inviolate rights – what if the secretary refuses to issues a waiver? Recent waiver requests are outstanding with no response for a month, It requires more than Wolf is requiring of golf courses. <https://foac-pac.org/Pa-State-Government-Committee-Fails-To-Protect-Inviolate-Rights-Hb-2440/News-Item/11015> FOAC was successful in getting Attorney Princes text into the third amended version which simply exempted sportsmen's clubs and ranges and listed them as essential: *Notwithstanding any law or regulation to the contrary now existing or enacted in the future, consistent with the inviolate rights enumerated by Article 1, Sections 21 and 25 of the Pennsylvania Constitution, shooting ranges, sportsman clubs, hunting facilities, and firearm or ammunition product manufacturers, retailers, importers, and distributors, inclusive of their employees and agents, shall always constitute life-sustaining businesses in the Commonwealth, which shall never be shuttered or limited in their ability to produce, provide, sell, or otherwise offer firearms, ammunition, firearm accessories, component parts of firearms, ammunition, and firearm accessories, and all services, training, safety, and practice related to firearms and hunting.* A thank you to **Representative Christopher Dush** Pa House District 66 for sponsoring this amendment. Rep Dush is A rated by FOAC.

**7.3.1 Pa Businesses Take Fight Against Wolf's Executive Fiat to US Supreme Court** -A group of businesses in Pennsylvania asked the U.S. Supreme Court to strike down an executive order limiting

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which sectors of the economy can operate amid the coronavirus pandemic, which they claim exceeds the authority of the state's governor. The challenge insists that Wolf's order is arbitrary, capricious and violates their 1<sup>st</sup>, 5<sup>th</sup> and 14<sup>th</sup> amendment rights. <https://www.foxnews.com/politics/pennsylvania-businesses-coronavirus-executive-order-supreme-court-tom-wolf> Justice Alito found these arguments convincing enough to order Pa Government to respond with a defense. Wolf responded by asking SCOTUS to reject the challenging petitions. SCOTUS consequently denied the groups petition for a stay of Wolf's order but still has to take up the decision as to whether to hear the more extensive petition. This asserts that many businesses will not be able to recover which would result in the complete destruction of property rights. This case has great significance for the people of PA as well as business owners throughout the us.

**7.3.2 “Every one of them”, Is the Constitution Lost In California - California to Begin Forcibly Quarantining People – Separating Families – Over COVID-19** California Governor Gavin Newsom announced Tuesday he was raising up an “army” of contact tracers – as many as 20,000 people – to track down everyone with COVID-19 and quarantine them. On Wednesday, the soft voice of Ventura County Health Director Robert Levin confirmed that the forcible quarantines are underway. <https://pjmedia.com/news-and-politics/victoria-taft/2020/05/06/every-one-of-them-california-to-begin-forcibly-quarantining-people-separating-families-over-covid-19-n388732> Kim Stolfer was called by John Steigerwald requesting his appearance on his show 5/7 to comment. <https://omny.fm/shows/the-john-steigerwald-show/the-john-steigerwald-show-thursday-may-7-2020> Kim is at about 7:54

It is interesting to note that the colonists endured numerous extremely serious epidemics for example: influenza, scarlet fever, yellow fever and smallpox – with the latter being a significant issue for Washington's troops during the Revolutionary War. And yet, the framers did not build in any exception for epidemics into the Constitution or Bill of Rights.

**7.3.3 Signs of Suicide Epidemic Emerge** – Following closing orders which have devastated the greatest economy in the world we are now starting to see a rise in suicides. Suicides reliably follow economic trends with financial downturns triggering higher rates of depression and despair. The use of the national crisis line has doubled, anxiety disorders and panic attacks have increased. Suicide deaths for example in Tennessee during the end of March exceeded COVID deaths. The CDC acknowledges that “fear and anxiety about a disease can be overwhelming in both adults and children” – however the CDC believes coping with this stress will make us stronger. Hmmm? While true as a general statement, the current pandemic has delivered a perfect storm of challenges that is sure to bring many to a breaking point. We're not just talking about fearing a disease. We're also talking about the very real challenges of keeping a roof over our heads and feeding ourselves and our families when the entire country has been shut down and millions of workers have been laid off.

**7.4 SCOTUS Decision on New York Case – MOOT** – This was the first significant 2A case that the court had heard in a decade. In a 6-3 decision the court ruled this case moot since NY modified its laws. Dissenting Justices were Alito, Thomas and Gorsuch. New Trump appointed Kavanaugh voted with the liberal faction as well as did Bush appointed Thomas. Justice Samuel Alito's dissent to this decision is sharp: “By incorrectly dismissing this case as moot, the court permits our docket to be manipulated in a way that should not be countenanced.” Alito argues that the central part of this case, New York City's “premises license,” is still very much a live constitutional issue. He shows this by outlining what a New York City resident must endure to hopefully receive a premises license enabling them to shoot at a range, not to carry concealed. Clearly, New York City is not treating the Second Amendment as a right that's specifically protected by the U.S. Bill of Rights. The city is treating it as a legal privilege they can restrict or outright take away whenever and however it likes. That, by itself, is an affront to the Supreme Court's Heller and McDonald decisions, yet the justices called it “moot.” <https://foac-pac.org/Frank-Miniter:-2nd-Amendment-Not-moot-This-Is-What-Supreme-Court-Got-Wrong-On-Nyc-Gun-Law/News-Item/11004>

Five US Senators had submitted a amicus last fall in which they singled out Justice Kavanaugh as well as threatened the Court. “The Supreme Court is not well. And the people know it. Perhaps the court can heal itself before the public demands it be ‘restructured in order to reduce the influence of politics.’ Particularly on the urgent issue of gun control, a nation desperately needs it to heal.” (a threat to pack the

court) Reading this brief one is clearly reminded that massive **projection** is alive and well in the liberal mind. [https://www.whitehouse.senate.gov/imo/media/doc/New%20York%20Rifle%20&%20Pistol%20Association%20v.%20New%20York%20\(Whitehouse%20amicus%20FINAL\).pdf](https://www.whitehouse.senate.gov/imo/media/doc/New%20York%20Rifle%20&%20Pistol%20Association%20v.%20New%20York%20(Whitehouse%20amicus%20FINAL).pdf) Senator McConnell and 52 other Senators sent a letter to the Court <https://www.documentcloud.org/documents/6366251-McConnell-to-Supremes-Re-NY-Gun-Case.html> : “We are deeply concerned by our colleagues’ amicus brief and the ideas it promotes... Americans cannot trust that their constitutional rights are secure if they know that Democrats will try to browbeat this Court into ruling against those rights. But judicial independence is not negotiable. We will brook no threats to this fundamental precept of our constitutional structure. We therefore ask that the Justices fulfill their oaths to faithfully and impartially follow the law. They should rule in this case only as the law dictates, without regard to the identity of the parties or the politics of the moment. They must not be cowed by the threats of opportunistic politicians. We ask that the Justices stand firm and do their part to protect our government of laws, not of men. They gave assurance that they will never allow the court to be “restructured”. The question remains considering the threatening nature of the democrat’s brief as well as singling him out whether Kavanaugh was intimidated and influenced in his decision. Time will tell as several other 2A cases are being considered. And where will Bush appointed Mr. Swing Vote Roberts fall??

**7.4.1 What will be the next 2A case heard by SCOTUS** – There are ten cases in the pipeline. For a listing see <https://www.ammoland.com/2020/05/supreme-court-moves-10-second-amendment-cases-to-conference/#axzz6LsZ9KGor> Some believe the next case could be Rogers v Grewal. the case involves a challenge to New Jersey’s incredibly restrictive concealed carry laws, which are denying the average resident their right to bear arms. <https://foac-pac.org/Will-This-Be-The-Next-2a-Case-Heard-By-Scotus/News-Item/11008> Since there are several cases which involve challenges to states extreme restrictive carry laws which essential nullify individual rights it is possible some of these could be combined. The question that needs to be answered is: Does the Second Amendment protect, as it says, the right to keep and bear arms for All Americans?

**7.5 Liberalism is a Mental Disorder** – we have often heard this and repeatedly it proves to be true. Democrats have decided that they would prefer you stay unarmed and helpless during the corona-crisis by making it impossible for you to legally purchase a firearm and have shut down gun sales in defiance of the Federal “essential” classification. At the same time, they are releasing criminals onto the streets. So, why do Democrats try to disarm the population while Americans are at higher risk of crime due to economic strife stemming from COVID-19 and some states are literally adding more criminals to society? Is this crazy? For example, at the same time gun stores were being shut down, New York City Mayor Bill De Blasio released more than 1,400 city inmates. This was in spite of a warning letter by five district attorneys including individuals who pose a high risk to public safety. De Blasio would soon find out that at least 50 immediately committed crimes upon release and landed themselves back in jail. His reaction was he was shocked “I think it’s unconscionable just on a human level that folks were shown mercy and this is what some of them have done.” The inability to recognize reality to this serious degree is a mental disorder. <https://www.ammoland.com/2020/04/why-are-democrats-disarming-citizens-and-setting-prisoners-free/#axzz6LgsvDFXI>

**7.6 Army Corps of Engineers Propose Removing Infringements on 2A** - For decades, the Corps of Engineers (COE) has infringed on the Second Amendment rights of people in the United States, by limiting the bearing of arms on Corps managed lands and waters. In the last decade, lawsuits have challenged these infringements. The Corps lost one, appealed, and appealed another. After the election of President Trump, the Corps agreed to settle the lawsuits in March of 2017. The proposed rule simply aligns the Corps of Engineers rules with existing law on other government-managed lands and waters. The Department of the Army, through the United States Army Corps of Engineers (“Corps”), is soliciting comments on its proposed revision of its regulation that governs the possession and transportation of firearms and other weapons at Corps water resources development projects (“projects”). This proposed revision would align the Corps regulation with the regulations of the other Federal land management agencies by removing the need for an individual to obtain written permission before possessing a weapon on Corps projects. Dates: Written comments must be submitted on or

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before June 12, 2020. <https://foac-pac.org/Corps-Proposes-Rule-To-Remove-Federal-Infringements-On-Second-Amendment/News-Item/10994>

**8. Events: The event situation is very fluid currently. Please check the FOAC website for updates**  
<https://foac-pac.org/Events>

- **Harrisburg 2<sup>nd</sup> Amendment Rally is STILL ON for June 8<sup>th</sup> in Harrisburg.**

**9. Good of the Order:**

**10. Adjournment**