



WILL COUNTY GRASSROOTS DIVISION OF THE ILLINOIS STATE RIFLE ASSOCIATION

NEXT MEETING - April 16, 2008 - 7:00 PM

Sara's Place Restaurant

Joliet, IL (815) 741-3076

ISRA member, **Al Tiscareno**, will be our speaker for April. Al will speak on the history of the framing of the Constitution and the Bill of Rights. As always, we hope to see you there and don't forget to bring a friend!

Will County ISRA member, Jason D. Schulte, was the name drawn for the WCGR Gun Giveaway last month. Unfortunately, Jason was not present, so he missed out on the Mossberg 500 shotgun. Remember, the winner must be present, have a valid FOID and comply with all local, state and federal firearm laws.

Restoring the Second Amendment

The Supreme Court of the United States listened to arguments in District of Columbia v. Heller this past month. What they decide in the next few months will support or counter all that gun rights' supporters have fought for over the past 100 years. If the Supreme Court sees the Second Amendment as an individual right, then our cause will have more leverage in the lifting of bans and other legislation that have reduced our ability to exercise our God given rights to "Life, Liberty and the Pursuit of Happiness". In the unlikely event that the Court sees it as a collective right, then the fight will continue on as before with pro-gun organizations digging in for more debates and battles in the media, courtrooms and legislative arenas.



To help us get a perspective on how the change from the "individual rights" to "collective theory" took place, we invited Ed Ronkowski, a retired Cook County Assistant States Attorney, to speak to us at our Will County Grassroots meeting. Ed is one of the three lawyers arguing in Cook County court to overturn the Cook County assault weapons ban. This legal

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team argued that the ban is unconstitutional for a variety of reasons, including that it infringes upon individual rights under the Second Amendment. Ed began by explaining that American colonial settlers enjoyed a right to possess and use firearms before the American Revolution and before the U.S. Constitution and the Second Amendment. Throughout colonial times, the people hunted and defended themselves from lawless individuals and Indian attacks with firearms. This inherent right to bear arms was recognized by legal scholars and

authorities prior to the adoption of the U.S. Constitution and was recognized as a legal right of individual citizens in the same way free speech was recognized prior to the adoption of the First Amendment.

After the adoption of the Second Amendment as part of the Bill of Rights in 1791, for almost a century, the right to bear arms was considered by American Courts as an individual right, protected by common law and the Second Amendment. In 1868, the 14th Amendment was enacted, prohibiting any State from passing any law that would deprive any person of life, liberty, or property, without due process of law. But the U.S. Supreme Court ignored the application of the Fourteenth Amendment and changed the Second Amendment's individual rights theory to a collective rights theory, beginning with the Cruikshank decision in 1876. In Colfax Parish, Louisiana, 150 former slaves assembled together to discuss what to do about threatened violence from whites angered by the blacks' new political successes as a result of their new right to vote. A mob of whites including one of its leaders, Cruikshank, surrounded the building in which the Blacks had assembled, and opened fire from several hundred yards away with rifles and a cannon. The blacks, armed with primarily only short-range muskets and shotguns, were outgunned, but held off the whites until the whites set the building on fire. The blacks threw down their guns and surrendered. The white mob then executed the disarmed blacks that had survived the fire. Two days later, the federal authorities found over one hundred black citizens shot to death and others burned to death in the fire. Members of the white mob were arrested by federal authorities and convicted of violating the blacks' constitutional First Amendment rights to assemble and Second Amendment right to bear arms.

The all-white Supreme Court, in an effort to put the civil war reconstruction behind the U.S., ruled that the First Amendment right to assemble and the Second Amendment right to bear arms only prevented the U.S. Congress from passing laws infringing upon those rights and those

constitutional rights did not in themselves prevent individual citizens from infringing their rights to assemble or bear arms.

In 1886, in Chicago, Presser was charged with parading with firearms without a license, but he argued that the Second Amendment protected his individual rights to possess firearms. Once again, the U.S. Supreme Court ruled that the First and Second Amendments applied only to the federal government, not to the States and that any State could prohibit free speech, free exercise of religion, assembly and bearing of arms notwithstanding anything in the 14th Amendment.

Next, in 1894, in *Miller v. Texas*, the U.S. Supreme Court ruled that the Second and Fourth Amendments were only restrictions upon the Federal action, and not State actions. The three cases of Cruikshank, Presser and *Miller v. Texas* became known as the "collective rights theory." The collective rights theory holds that the Second Amendment only prevents Congress from restricting States from having their own militias. At the time of these three cases, the U.S. Supreme Court had ruled that all the Amendments to the Constitution in the Bill of Rights applied only as a limitation on federal power and was not a limitation on State laws or individual actions.

Starting slowly, in the first half of the 1900's and building to a crescendo in the 1960's, the U.S. Supreme Court issued various rulings that the First, Fourth, Fifth, Sixth and Eighth Amendments in the Bill of Rights protected individuals from State action under the Fourteenth Amendment. However, the precedents of the collective rights theory under the prior Cruikshank, Presser and *Miller v. Texas* cases kept anyone from arguing that the Second Amendment was an individual right that could be applied to the States. Hence, from 1876 to 2001, the collective rights theory of the Second Amendment was the law in all fifty states. Then, in 2001, the Fifth Circuit Federal Appellate Court ruled in dicta that the Second Amendment provided an individual right to possess firearms, subject only to reasonable restrictions. That ruling only applied to the Fifth Circuit states of Texas, Mississippi and Louisiana. In 2007, the Federal Appellate Court for Washington, D.C. ruled that the Second Amendment guaranteed

an individual the right to bear arms, a ruling that was only binding on Washington, D.C. Finally, in a historic case last month, the U.S. Supreme Court heard arguments in the Washington, D.C. case, District of Columbia v. Heller, on whether the Second Amendment is an individual right or a collective right. Their decision is expected in late June. The unanswered question that the U.S. Supreme Court is not expected to decide is whether the Second Amendment prevents a state from having a firearm ban. In the entire history of the United States, from the adoption of the Second Amendment until the current time, there exists not a single precedent that says the Second Amendment applies to the states' gun bans. The primary reason for this lack of precedent is that the collective rights theory prevented a citizen from arguing in the courts that he had an individual right to bear arms that could, in turn, be construed using the 14th Amendment to prevent state action from infringing that individual right. Most legal scholars expect a majority of the U.S. Supreme Court to rule, for the first time, that the Second Amendment protects individuals' rights to bear arms. That decision would be just the first necessary step to having the courts declare that the Second Amendment protects individuals from state and local gun bans, just like the First, Fourth, Fifth, Sixth and Eighth Amendments protect individuals from unreasonable restrictions imposed by state and local governments.

I would like to thank Ed Ronkowski for giving the Will County Grass Roots chapter of the Illinois State Rifle Association some of the legal insight to the laws that brought us to this point in time. The amount of case law on this subject is voluminous. History and better legal reasoning is on our side - that the People have a moral, as well as an inherent legal and constitutional right to bear arms. Now it's time for the U.S. Supreme Court to set our course and give us back what has been lost.

Al Tiscareno

*** Please note ***

Articles in the WCGR newsletter contain information gathered and are of the specific viewpoint and beliefs of their authors and do not necessarily reflect the views of the ISRA.



Chairman's Comments

Lots of very nice guns. That's a great way to start off a fundraiser to promote firearm safety, youth programs, women's programs and much more. That is what 300+ attendees saw upon entering the ballroom of the Joliet Renaissance Center, where the Three Rivers Friends of NRA held their annual dinner & fundraiser on Sunday March 30th.

At this year's event, there were the traditional live and silent auctions, bucket raffles, card raffles and various door prizes. All in all, there were more than twenty-five firearms, over one hundred auction and raffle items as well as numerous door prizes distributed that evening. The dinner was very good, including a steak that was very tender, followed by a delicious dessert.

There was a large and enthusiastic crowd, willing to open up their wallets to help promote the NRA Foundation's programs and preserve our Second Amendment Rights. They were not there to look for good deals, but to have fun while donating to a cause in which they believe. Several of our Will County Grassroots members were active in the Three Rivers FNRA committee and many more of our friends who attend the meetings were present. We were pleased to welcome enthusiasts from both near and far...some as far away as Odell, Pontiac, Park Forest, Wayne, Barrington and Crystal Lake! It is gratifying to see such dedication that people are willing to travel this far to show their support. There was a diverse group of attendees, ranging from young children to those enjoying their "golden years" in their eighties. I was also pleased to see the amount of couples that attended this year. Hopefully, that means there will be more awareness and participation in the shooting sports from both ladies and children. All were typical Americans, enjoying an evening with friends, while supporting their beliefs.

One of the unusual items we had this year was a wolf skin rug. In a winner's choice raffle, Richard Pearson, Executive Director of the Illinois State Rifle Association, was the winner. He chose the rug over two very nice firearms.

The price for freedom in America is paid, in part, by our eternal vigilance. This includes being aware of and standing our ground with individuals and groups that try to abolish our Rights. One of the best ways to do this is by communicating with our friends, family and legislators about what can be done to preserve the freedoms bestowed on us through our Constitution. Although advances are being made, the battle is far from over. There is strength in numbers...everyone needs to get involved.

All in all, I think everyone had a good time and the attendees were happy to contribute to a great organization. It was a tiring, but satisfying day for the committee members, as we raised approximately \$30,000 for a cause we all believe in. I hope to see all of you there next year.

Doug Mayhall

**ISRA/NRA
YOUTH SHOOTING SPORTS CAMP**

August 16, 2008
8am - 6pm
ISRA Range, Bonfield

Children ages 10-14 are invited to attend the 5th Annual ISRA/NRA Youth Shooting Sports Camp.

NRA certified instructors will be teaching firearm safety, basic firearm components and allow the kids hands-on experience with a variety of firearms including .22 pistol, .22 rifle and shotgun. The cost will be \$25 per child, which includes lunch, use of firearms, ammunition and a T-shirt to the first 40 applicants.

Volunteers needed! Call ISRA 815-635-3198

***** Political Disclaimer *****

The ISRA and the Will County Division of the ISRA **cannot** and **will not** endorse any candidate or party. We feature speakers to allow us to learn about the positions a candidate holds on the Second Amendment and welcome all candidates to speak to us. Only the **ISRA Political Victory Fund (ISRA-PVF)** can endorse candidates or donate to political campaigns.



Saturday, May 24, 2008

Sponsored by the ISRA Location: ISRA Range
8:30am-3:30pm

No experinece necessary - no FOID required
Ages 16 & older
Cost: \$35.00

Class Size is Limited - Call for more info. or to register
ISRA Office: 815-635-3198

**6th Annual ISRA Range Open House
Saturday, June 21, 2008**

ISRA Range - Bonfield, IL
10:00am - 4:00pm

All law-abiding citizens are invited...even those who do not own a firearm or have never shot before. Factory representatives from all the major manufacturers will be on hand to answer your questions.

- * Free safety orientation *
 - * Test-fire the firearms of your choice *
 - * Try your hand at archery *
- A small fee for ammunition will be required.
- * Covered firing points & picnic pavillion *
 - * Indoor & outdoor bathroom facilities *
 - * Food and beverages will be available *

A BB gun and air rifle range will be set up for our younger guests—a great opportunity to get the whole family involved!

FREE Admission! FREE Parking!

Phone: ISRA 815-635-3198 Visit: www.isra.org

**Glock Shooting Sport Foundation
Illinois State Rifle Association League**

June 29, July 27, August 31, 2008
ISRA Range, Bonfield, IL

Registration: 8:30am - 2:30pm
Registration fees applicable

For each different model of Glock pistol registered, you will be entered in a drawing for a new Glock pistol to be given away after the August 31, 2008 match.

For additional information or to register, contact:
ISRA (815) 635-3198
www.isra.org

Calendar of Events

- April 12** Firearm Safety Training, Inc.-NRA First Steps Rifle Orientation-Mega Sports-Plainfield
Kent (815) 545-4872 - Early registration is necessary!
- April 13** Kane County Gun Show - Kane County Fairgrounds - Kathy Carlson - (815) 758-2773
- April 19 & 20** Kankakee Gun Show - Kankakee County Fairgrounds - Terry Keller (815) 930-4422
- April 26** NRA First Steps Shotgun Orientation - Erienna Hunt Club - Morris - contact Kent at
(815) 545-4872 or visit www.firearmsafetytraining.com
- April 26 & 27** Midwest Antique Arms Show - DuPage Expo Center - St.Charles - (760) 202-4489
Admission fee applicable
- May 10** Firearm Safety Training, Inc.-NRA First Steps Pistol Orientation-Mega Sports-Plainfield
Kent (815) 545-4872 - Early registration is necessary!
- May 11** Kane County Gun Show - Kane County Fairgrounds - Kathy Carlson - (815) 758-2773
- May 16-17** Firearm Safety Training, Inc.-NRA Personal Protection in the Home - Mega Sports-
Plainfield - Kent (815) 545-4872 - Early registration is necessary!
- May 16 - May 20** NRA Annual Meetings, Exhibits & NRA BOD Meeting - Louisville, Kentucky
www.nraam.org
- May 24** NRA Women On Target, sponsored by the ISRA - ISRA Range, Bonfield - ISRA office
(815) 635-3198
- June 21** ISRA Range Open House - ISRA Range - Bonfield - ISRA office (815) 635-3198
- June 29** GSSF/ISRA Glock League - ISRA Range - Bonfield - Terry Kreimeier - (815) 635-3198
Note: Additional GSSF Matches will be held on July 27 & August 31, 2008
- August 16** ISRA/NRA Youth Shooting Camp - ISRA Range - Bonfield - ISRA office (815) 635-3198

*** Please use the above contact information for registration information (where applicable)
and to confirm events as dates may change without notice ***

*Please contact Chairman, Doug Mayhall, or the ISRA office if you would like to volunteer
at any of the **ISRA** events*

E-mail us at willcounty@isra.org if you have any events you would like included in next month's newsletter

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OPEN 24 HOURS

SARA'S PLACE

3501 Channahon Road, Route 6, Joliet, Illinois
2 miles west of Larkin 2 miles East of I-55
1/2 mile west of The Empress

(815) 741-3076
Fax (815) 741-3019

BANQUETS &
CARRYOUTS AVAILABLE

STEPHEN P. WEBER
Certified Public Accountant

815/469-5290 Bus. 19200 SCHOOLHOUSE RD
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Tom Cunningham
NRA Life Member & Recruiter
EVC 11th Congressional District
ISRA Life Member

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3.1.2-3.1.3-3.3.1

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