The President’s Column

By David McFarling, NCRPA President

It is my pleasure to tell all you loyal NCRPA members that we won. Senate Bill 41 which was actually three bills put under one heading passed the N.C. Senate, House of Representatives and survived Governor Coopers veto to become the law of the land in N.C. Now the law abiding citizens of the state may purchase a handgun without having to go through the sometimes arduous and antiquated Jim Crow era handgun purchase permit process. Now you just go to the gun shop, pick out the pistol of your choice, the dealer does the same federal background they do to sell a long gun and if you are approved you pay and walk out with your new handgun. Simple, legal and effective.

Additionally the part of the bill labeled the Protect Religious Meeting Places Section allows concealed carry permit holders to legally carry there firearm on the grounds of a church school when the school is not in session and no school functions are under way. The third part of the bill called “The Firearms Safe Storage Awareness Initiative” instructs the Department of Public Safety in collaboration with the Department of Health and Human Services and the Wildlife Resources Commission to launch a two year statewide firearms storage awareness initiative to educate the public about the importance of safe firearms storage and to facilitate the distribution of gun locks.

The NCRPA legislative team along with our lobbying firm spent allot of time and effort working with legislators of both houses and parties to get these significant pieces of legislation passed into law. This is not to say we alone are responsible for this great victory for second amendment rights in N.C.

We won because of a collaborative effort between several firearms organizations, the N.C. Sheriffs Association and others. My heartfelt thanks to all concerned.

Now with the passage of SB 41 we are left with the question of what do we do next? To that end I would like you the members of NCRPA what you would like us to work on in the legislature. This not to say that we can pursue any wild eyed idea you can pitch at us but we are willing to listen. I can be contacted directly at the address listed elsewhere in this volume or through the web site. Please let us hear your ideas.

In conclusion I would like to ask all of you to help us to get as many new members as possible. It is the membership dues that pay for our lobbying firm (and they don’t work cheap) which is a big part of our legislative program. NCRPA is the only gun rights organization to employ a paid lobbyist firm, not even the NRA has one and believe me it pays off royally in the world of modern politics.
State Shots

Our publication of the Association comes out four times each year. Your articles and opinion pieces are welcome. If you or your club has an activity that would be of interest to the entire state send us some pictures and story of your event or future events. The submission deadline dates for each issue are as follows:

May 14, 2023 @ DPRC
September 3, 2023 @ TBD
December 10, 2023 @ DPRC

We welcome your input. Everyone wants to hear from you.

NCRPA Meetings

The Board of Directors meet four times each year to conduct the business of the Association. The schedule for 2023 has not been set:

May 7, 2023 @ DPRC (Durham Pistol and Rifle Club)
August 27, 2023 @ CRPC (Charlotte Rifle and Pistol Club)
December 3, 2023 @ DPRC (Durham Pistol and Rifle Club)

The membership is invited and encouraged to attend the meetings for member input and interest. The meetings will begin at 11:00 AM and end around 3:00 PM. Lunch will be served to all who attend but please let us know if you are going to attend so that there will be enough food prepared. For information on following meetings please go to www.ncrpa.org the meetings are on the front page.

NCRPA membership is the life blood of our association, but did you know that you could also make a DONATION?

Your donation, no matter how large or small, will help support all our shooting programs including the NCRPA Junior High Power Rifle Team, the future of America's shooting sports!

Send your donation to:
NCRPA, PO Box 4116, Pinehurst, NC 28374
Or go on line to make a secure donation at www.ncrpa.org

Did you know that your Legislative Team works hard at the North Carolina General Assembly to protect your Second Amendment rights? Stay informed, get involved, and keep up with our efforts at www.ncrpa.org
By now, you know about the North Carolina Rifle and Pistol Association's successful effort to pass Senate Bill 41 through both houses of the North Carolina Legislature, successfully overriding Governor Cooper’s ill-advised veto.

These actions were the results of decades of work by many individuals and organizations. The Board of Directors of the North Carolina Rifle and Pistol Association wishes to thank NCRPA's membership for your support in this effort.

Your membership dues and contributions have allowed NCRPA to maintain a professional presence in the NC Legislature for many years. Currently, NCRPA employs the highly respected firm of KTS Strategies in coordination with the NCRPA Director of Legislative Issues and the National Rifle Association’s ILA to promote the interest of our members.

While the NCRPA is able to inform elected officials about legislative goals and the reasons why they're in the interest of the people of North Carolina, it is still those elected office holders that vote for and champion the cause.

Please take the opportunity of this victory to contact the Senators and Representatives that voted for this bill. If your senator or representative voted against the measure, please contact them to politely express your hope that they open their minds on Second Amendment issues in the future.

Support these efforts by joining the North Carolina Rifle and Pistol Association. Go to www.ncrpa.org to find member information. Your help will strengthen the fight for 2A rights in North Carolina.

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**North Carolina Rifle & Pistol Association**

**Junior Shooter Scholarship**

Each year the North Carolina Rifle & Pistol Association awards a scholarship to a qualified junior shooter who is transitioning from a high school graduate level education to a higher-level educational institution. This scholarship will apply to college or technical school of the young shooter's choice. The funds will be transferred directly to the student's expense account at the institution where the junior shooter has been accepted.

This scholarship is available to any North Carolina student with a record of verifiable active participation in in shooting sports competition. The applications will be reviewed by a North Carolina Rifle & Pistol Association board appointed committee to determine the most qualified applicant. This decision will be determined solely by the committee.

An application request can be made by sending an email to dprest@pinehurst.net. The committee will meet at the Board of Directors meeting August 27, 2023. All applications must be received by that date to be considered.
A decade ago, I wrote a post about the circumstances under which police may stop a person who is carrying a gun openly. A lot has changed since then. The Supreme Court has strengthened the Second Amendment in New York State Rifle & Pistol Association v. Bruen, 597 U.S. __ (2022). The General Assembly has eliminated the requirement that North Carolina residents obtain a permit before buying a handgun. See S.L. 2023-8. And empirical scholarship suggests that many more Americans are carrying guns on a daily basis. See Ali Awhani-Robar et al., Trend in Loaded Handgun Carrying Among Adult Handgun Owners in the United States, 2015-2019, Am. J. Pub. Health (2022) (finding that in 2019, “approximately 6 million [gun owners carried] daily,” which was “twice the 3 million who did so in 2015”). So it is a good time to revisit the question.

What I said back then. In that prior post, I summarized the law this way:

A Terry stop requires reasonable suspicion that the subject of the stop is engaged in criminal activity. Carrying a gun openly isn’t criminal in itself. Nor, under most circumstances, is it particularly indicative of other criminal activity. In some instances, though, such as when there is a large group of armed individuals in an unusual location, or when an individual displays his or her firearm in a menacing manner, a Terry stop may be appropriate.

Then I cited a few cases that came out different ways on different facts.

What I think the law is today. I still think that the operative question is often whether the fact that a person is carrying a gun, together with other circumstances, provides reasonable suspicion to support a Terry stop. And I still think that if there aren’t any other suspicious circumstances, the answer is no. The right to carry firearms openly has been protected in North Carolina at least as far back as State v. Kerner, 181 N.C. 574 (1921), about which I wrote here.

The Fourth Circuit considered the intersection of open carry and Terry in United States v. Black, 707 F.3d 531 (4th Cir. 2013), a Charlotte case in which officers approached a group of men in a high-drug area for a voluntary encounter. When one of the men pointed out that he was carrying a gun in a hip holster, the officers seized it – and also detained and frisked the other men, finding another gun on the eventual defendant. The Fourth Circuit found the detention of the other men unjustified, stating that “where a state permits individuals to openly carry firearms, the exercise of this right, without more, cannot justify an investigatory detention.” The court also found unpersuasive the government’s reliance on other details such as the nature of the area, the time of night, or the officers’ knowledge that one of the men had minor criminal history, which it characterized as “patching together a set of innocent, suspicion-free facts” in a vain hope of drumming up reasonable suspicion.

The question for the officer on the street – and for lawyers and judges in court – is just how much “more,” beyond the presence of a gun, is needed to support a Terry stop. Black suggests that it must be something substantial, not what lawyers like to call a mere peppercorn.

An example of what’s more than a peppercorn. The Fourth Circuit found a stop justified in Walker v. Donahoe, 3 F.4th 676 (4th Cir. 2021), a case Phil Dixon summarized here. In that case, less than a week after the Parkland, Florida school shooting, West Virginia officers stopped a man wearing military-style clothing and carrying a military-style rifle who was walking through a “suburban residential and commercial area” less than a mile from a school. The man sued the officers who stopped him alleging a deprivation of his constitutional rights, but the Fourth Circuit ultimately disagreed. The court acknowledged that open carry is lawful in West Virginia and cannot alone provide reasonable suspicion, but found additional facts supporting reasonable suspicion, including (1) the type of firearm, i.e., an “assault rifle” as opposed to “a handgun in a hip holster,” (2) the recency of the Parkland shooting, (3) the proximity to a school, (4) the man’s apparel, and (5) his seemingly youthful appearance and the fact that he was walking rather than driving, suggesting that he might have been a student at the school or underage to possess a firearm.

Other recent cases. Several other recent federal appellate cases address the same general issue:
(6th 2015) (a concerned citizen called 911 to report that a man was walking down the street with his wife and dog, wearing a handgun on his hip; an officer was dispatched and detained the man, who later sued the police; reviewing the district court’s denial of pretrial qualified immunity, the Sixth Circuit held that it was clear that open carry alone does not provide reasonable suspicion in Ohio, where open carry is legal)

United States v. Willy, 40 F.4th 1074 (9th 2022) (an officer arrested a Washington man for the state law crime of exhibiting a firearm in a manner intended to cause alarm; the arrest was based on two witnesses reporting that the man had approached them at home, claiming that he had been kidnapped and held nearby but had escaped, stating that had had a weapon, and in one case racking his handgun on the spot; the arrest led to a discovery of violations of federal law, and the man moved to suppress, contending that the original arrest lacked probable cause; he was successful in the trial court and on appeal, with the reviewing court noting that Washington is an open carry state and that the man did not make “direct,” “palpable,” or “imminent” threats with the weapon; the court did, however, indicate that the officer had reasonable suspicion that would have warranted an investigative stop)

Duffie v. City of Lincoln, 834 F.3d 877 (8th 2016) (finding no reasonable suspicion to support a vehicle stop where the stop was based on an officer’s belief that the driver was the same person who had previously acted strangely while in a convenience store, and outside the store, had “held up a hand gun and acted like he was blowing smoke from the barrel”; the court stated that in an open carry state, “the mere report of a person with a handgun is insufficient to create reasonable suspicion”)

Comment. Northrup seems like an easy case to me, as there were no suspicious circumstances present. But Willy and Duffie strike me as much more difficult. Racking a handgun, or blowing over its barrel, are actions suggestive of imminent or recent discharge of the firearm. That sort of conduct may be concerning, and indeed, it led citizens in both cases to call the police. Yet the appellate courts found that police erred in making investigative stops, suggesting that any law enforcement response would need to be voluntary in nature. It seems that the federal appellate courts may be finding that the revitalized Second Amendment has some implications for the Fourth.

List of factors. As a final note, here’s a partial list of factors that, based on the cases I have seen, may be pertinent to whether there is reasonable suspicion to stop a person carrying a gun:

- Type of firearm (e.g., a military style rifle vs. a single-shot shotgun)
- Geographic location (e.g., near a school or other sensitive location vs. in a dense urban environment vs. on a rural tract where hunting is permitted)
- Manner of carry (e.g., in the hand in a ready position vs. in a hip holster)
- Dress and behavior of the person carrying the firearm
- Prior conduct, including criminal history, of the person carrying the firearm (obviously if the person has a felony conviction, a stop would be justified, but a track record of lesser misconduct may also be relevant)
- Suspicion of connection to other criminal activity (e.g., is the person near a location where a gun crime has recently been committed)

Jr. Rifle Team Report

I am happy to report that the new NCRPA Jr. Marksmanship Support Group is shaping up nicely for 2023. Director \ Coach John Ayala has had them working hard nearly every weekend so far this Year. The team is currently preparing for their first major competition of the year, the CMP Eastern Games Matches, to be held at the National Guard Training Facility located in Butner N.C.

I am very proud of these young people. They have real dedication to the sport and a goodly amount of talent and ability. I would like to thank all of you good folks who have bought raffle tickets so far this year. As you know money is the mothers milk needed to grow a shooting team and with your generosity we can have a real healthy team. That said, I encourage all of you to purchase as many raffle tickets as you can, every ticket sold buys more primers, powder and shot for a young marksman. Thank for your support.
Federal judge in Texas blocks Biden ATF pistol brace rule on day of deadline to register weapons

Preliminary injunction was a win for Gun Owners of America, Gun Owners Foundation, state of Texas

By Chris Pandolfo | Fox News

A federal judge in Texas has temporarily blocked President Biden's new regulations on pistols with stabilizing braces in response to a lawsuit from gun rights activists.

Judge Drew B. Tipton of the U.S. District Court for the Southern District of Texas on Wednesday granted a preliminary injunction against the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) partially preventing the agency from enforcing its new stabilizing-brace rule. The order came on the deadline before the rule goes into effect in response to a lawsuit filed by Gun Owners of America (GOA), the Gun Owners Foundation and the State of Texas.

Tipton’s order follows a ruling by the Fifth Circuit Court of Appeals in a similar case that enjoined ATF from enforcing the rule against plaintiffs including customers of Maxim Defense Industries, a pistol stabilizing-brace manufacturer, and the Firearms Policy Coalition. That decision came days before a deadline for individuals to register their pistol braces with ATF, destroy them or remove the accessories from their weapons. Those who do not comply with the regulation by May 31 will be forced to pay a fee and could face up to 10 years’ imprisonment or $10,000 in fines or both, according to ATF.

The critical difference in the two cases is that a non-private entity, the State of Texas, is party to this lawsuit. Former Texas Attorney General Ken Paxton filed a motion for a preliminary injunction against ATF earlier this month, arguing the pistol-brace rule will inflict compliance costs on Texas police who own previously legal handguns with stabilizing braces and must now expend resources to register those weapons. Tipton agreed and found that Texas established standing to sue ATF and “has sufficiently shown that it will suffer irreparable harm absent a preliminary injunction enjoining the enforcement of the Final Rule.”
ATF’s rule, which was finalized on Jan. 13, categorizes pistols with attached stabilizing braces as short-barreled rifles, which are heavily regulated by Congress because they are both accurate and concealable, making them dangerous in the wrong hands. Biden has accused the gun industry of attempting to circumvent federal regulations by selling stabilizing braces, which he and his administration claim can “essentially convert a pistol into a short-barreled rifle.”

At least three million guns with stabilizing braces are in circulation in the U.S., according to the ATF. Estimates by the Congressional Research Service indicate there are currently between 10 million and 40 million stabilizing braces in circulation.

Gun rights groups have argued in court that the stabilizing brace rule violates the Constitution by requiring millions of gun owners to register their weapons or else be prosecuted as felons.

Tipton’s injunction applies to individuals employed directly by the state of Texas or its agencies and all members of Gun Owners of America.

GOA Senior Vice President Erich Pratt thanked Tipton for the decision in a statement.

“This assault on millions of Americans was just the latest example of President Biden trying to weaponize the DOJ against law-abiding gun owners, and we doubt it will be the last,” Pratt said.

“We are incredibly grateful to Judge Tipton for hearing the pleas of our members who were facing serious prosecution simply for owning a piece of plastic – all because of an arbitrary reclassification by the ATF. GOA and our millions of members nationwide will continue to fight back against this rogue anti-gun administration at every turn in defense of our rights.”

The Associated Press contributed to this report.

FIREARMS EXPERT TAUNTS PRO-GUN CONTROL ACADEMICS WITH BET ON RISING CRIME

Bureau of Alcohol, Tobacco, Firearms and Explosives Director Steve Dettelbach and President Biden at the White House. (Drew Angerer/Getty Images)
Advertise in State Shots

The North Carolina Rifle & Pistol Association is a unique demographic of shooters, hunters and outdoor oriented men and women. Your advertising dollars can effectively target this group by advertising in State Shots. Available are business card size, quarter page size half page size or full-page size advertisement. For information of rates, contact David Prest at dprest@pinehurst.net.

2023 Jr. Marksmanship Support Group Raffle

Thanks to all of you who participated in the 2022 raffle the winners of which are listed right there in this issue.

For the 2022 raffle the first prize will be a:

**CMP M-1 Garand.**

The rifle will come to you directly from the CMP facility in Aniston Alabama.

The second prize will be a **Savage .22 bolt action repeater**

which will be delivered by B&B firearms located in Randleman N.C.

We really appreciate all of your participation in our raffle. The dollars you donate in this fashion go a long way in supporting our program. The drawing for the two rifles will be at the NCRPA annual meeting in December and the winners will be announced shortly afterward. Tickets are available in each copy of State Shots and by mail. Please send requests for tickets to:

David McFarling
6645 Little Satterwhite Rd.
Oxford N.C. 27565.

Thank you for your support.

The NCRPA Jr. Rifle Team
Would like to thank our generous supporters

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Gun Clubs & Associations of North Carolina

**ALAMANCE COUNTY**
Central Carolina Gun Club
5167 NC-62
Burlington, NC 27217
https://centralcarolinagunclub.wildapricot.org

Durham Pistol and Rifle Club
Post Office Box 965
Durham, NC 27702
(336) 567-9861
www.dprc.org

**ASHE COUNTY**
Ashe County Wildlife Club
PO Box 1229
West Jefferson, NC 28694

**BRUNSWICK COUNTY**
Buccaneer Gun Club, Inc.
P.O Box 11339
Wilmington, NC 28404

**BUNCOMBE COUNTY**
Asheville Rifle & Pistol Club
100 Sandy Springs Drive
Arden, NC 28704
(828) 684-1013 (range)
www.ashevillerifleandpistolclub.org

Chatham County
Hickory Mountain Rifle and Pistol Club
422 N. Holly Avenue
Siler City, NC 27344
(919) 742-3017

**CUMBERLAND COUNTY**
Crossett Creek Rifle & Pistol Club, Inc.
c/o 1798 Potomac Road
Fayetteville, NC 28304
(910) 977-6200
Email: membership@crossettcrifleandpistolclub.com
www.crossettcrifleandpistolclub.com

**DARE COUNTY**
Outer Banks Gun Club
PO Box 118
Mann’s Harbor, NC 27953
obxgc.org
(252) 255-5055

**DAVIDSON COUNTY**
Piedmont Handgunners Association
PO Box 891
Lexington NC 27293
www.pha-range.com

**DURHAM COUNTY**
Durham County Wildlife Club
3616 Hopson Road
Morrisville, NC 27560
(919) 544-1306
www.dcwc.info

**JONES COUNTY**
Twin City Rifle Club, Inc.
PO box 158
Pleasant Hill, NC 27866-0158

**LEE COUNTY**
San-Lee Gun Club, Inc.
PO Box 2544 Riddle Road
Sanford, NC 27330

Deep River Sporting Clays
284 Cletus Rd.
Sanford, NC 27330
Bill Kempffer
919-774-7080

**MOORE COUNTY**
Moore County Wildlife & Conservation Club, Inc.
1820 Camp Easter Road
Carthage, NC 28337
www.mcwcc.org

**PERSON COUNTY**
Hyco Shooting Club
(336) 364-9700
www.hycoshootingclub.com
Piedmont Community College
Gunsmithing School
1715 College Dr.
Roxboro, NC 27573
www.piedmontcc.edu

**PITT COUNTY**
Down East Garand Shooters
Greenville, NC
degs@downeastgarand.org
http://downeastgarand.org

**POLK COUNTY**
Polk County Gun Club
1243 Little Mountain Road
Columbus, NC
www.polkcountygunclub.org

**RANDOLPH COUNTY**
Riverside Gun Club
PO Box 2817
Asheboro, NC 27204
(336) 889-2772
http://riversidegunclub.org
Triad Action Shooters Klub
Mailing address
PO Box 404
Trinity, NC 27370

**ROWAN COUNTY**
Rowan County Wildlife Association
P.O. Box 612
650 Majolica Road
Salisbury, NC 28147
www.rcwanc.com
email: rcwa@rcwanc.com

**RUTHERFORD COUNTY**
Piedmont Gun Club
P.O. Box 1354
Rutherfordton, NC 28160
(828) 287-4736
www.piedmontgunclub.org

**UNION COUNTY**
Charlotte Rifle & Pistol Club (CPRC)
12833 E. Independence Boulevard
Stallings, NC 28105
www.cr-pc.org

**WAKE COUNTY**
Sir Walter Gun Club
Contact Martin Little
Raleigh, NC 27613
Home: (919) 846-6740
Work: (919) 323-5060
Email: uspsa@sirwaltergunclub.com
Range is in Creedmoor, NC
www.sirwaltergunclub.com

**WATAUGA COUNTY**
Watauga Gun Club
P.O. Box 2316
Boone, NC 28607
(828) 264-6539

**WILKES COUNTY**
Blue Ridge Rifle & Pistol Association
P.O. Box 269
Millers Creek, NC 28651
Wade Parsons
(336) 973-3744

**YADKIN COUNTY**
Carolina West Shooting Club
P.O. Box 398
Nebo, NC 28761
(828) 659-9741
a6navy@hughes.net
www.carolinawestshooting.org

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“What, Sir, is the use of a militia? It is to prevent the establishment of a standing army, the bane of liberty.... Whenever Governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise an army upon their ruins.”

- Rep. Elbridge Gerry of Massachusetts, Annals of Congress 750, August 17, 1789

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Ed’s Gun Shop
Buy Sell Trade
910-692-7936
www.edsgunshop.com

Discount Gun Sales
Ed Nicely
5560 US HWY 1, Vass NC 28394
NCRPA Corporate Sponsor
NRA GUN SAFETY RULES

I’m sure everyone already knows and obeys the rules, but a bit of a refresher never hurts.

The fundamental NRA rules for safe gun handling are:

**ALWAYS**

Keep The Gun Pointed In A Safe Direction
This is the primary rule of gun safety. Common sense dictates the safest direction, depending on different circumstances.

**ALWAYS**

Keep Your Finger Off The Trigger Until Ready To Shoot
When holding a gun, rest your finger alongside the frame and outside the trigger guard. Until you are actually ready to fire, do not touch the trigger.

**ALWAYS**

Keep The Gun Unloaded Until Ready To Use
If you do not know how to open the action or inspect the chamber(s), leave the gun alone and get help from someone who does.

Join the NRA and support Freedom in the United States

1. For Your Freedom
2. For Your Family
3. For Your Community
4. For your Country
5. For Your Future

The NRA offers education and training opportunities for all ages; from Eddie Eagle GunSafe program that has taught 26 million children firearms safety, to advanced personal protection courses for home defense.

NRA provides vital support that will keep your loved ones safe. Join today online at the following link.


Regular Member fee 1yr=$30, 3yr=$85, 5yr=$100
(These prices are only available through the link above)

Junior Member fee (under 18) 1yr=$10

Magazine Choices are American Rifleman, American Hunter, Americas First Freedom, Shooting Illustrated.
Membership Application

Please print clearly and provide complete information so your membership can be processed correctly.

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Last Name or Club Name                                                                  First Name                                     Ml
Street________________________________________________City________________State_____ Zip__________
Birthday ________/______/_______ Phone (________)_____________________ NRA#________________________

Email Address________________________________________________________

Check Desired Membership

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