

Legally Speaking



Parks

By Karen MacNutt,
Contributing Editor

During the summer and fall, some of us will visit one or more of the many wonderful parks spread out across our great nation. It may be a trip to Yellowstone, or to Gettysburg Battlefield, the USS Constitution in Boston or Central Park in New York. Parks can be in wilderness areas or in urban settings. The scenic lookout you stop at during your travels may be part of some park. Parks can be owned by the federal, state, or local government. There are even privately owned parks. Who owns the park decides what rules govern the park. For those who carry a gun for defense, knowing the law can be a challenge.

Often when we think of parks, we think of wilderness areas. There

are, however, many parks located in urban areas and there are many wilderness areas that are not parks.

Most parks will post, in some manner, park rules including those on firearms. Do not confuse “No Hunting” with “No Firearms.” No intelligent person would seriously want to hunt in an urban park such as Boston Common, New York’s Central Park or on the Washington, DC, Mall. On the other hand, properly licensed people should be able to carry a handgun for self defense in those areas. The predators of this world look for helpless people. Violence is enabled, indeed incited, by helplessness. The fact that most mass murders have taken place in “gun free” zones, or were perpetrated against those who could not fight back, is evidence of that. Sadly, this has been demonstrated in several cases in China where knife wielding attackers killed helpless school children.

Those of us who travel the roads of this great nation know how lonely rest areas can be. We know how remote some roads though our larger wilderness areas are, how deserted state or federal camp grounds can be in off season. People who wish to use parks and recreation facilities, especially those in remote areas, should be able to defend themselves. For those people, dialing 911 will not produce a timely response. Those who oppose allowing guns for self defense in parks argue that families should be able to visit parks in safety and not worry about people carrying guns. Bad people ignore the law and carry whatever weapon they want. “Gun free” regulations only insure that good people do not carry guns. The

same arguments were used to oppose laws which required handgun licenses to be issued to anyone who requested one so long as the person was not disqualified. The predictions that there would be gun fights in the streets never came about. What did happen was a reduction in crime. Allowing honest people to carry guns for defense, makes the park safer. If you are in a camp ground five miles into the woods, three miles from the nearest unarmed ranger station, outside of most cell phone reception areas, a bad person might think twice before trying to force his way into your tent if your car has a bumper sticker saying, “When Guns are Outlawed Only Outlaws Will Have Guns.”

The argument over whether or not people on federal land should be able to have guns for self-defense has been going on for some time. This is not an argument about hunting. Restricting the discharge of guns on some public lands while allowing the discharge on other lands may be reasonable. The question of carrying a gun for self defense is a different issue. Regulations on carrying guns for self defense in national parks have swung between allowing guns for self defense and prohibiting all guns. In February of 2009, Congress passed a law which stated:

“The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if (1) the individual is not otherwise prohibited by law from possessing the firearms; and (2) the possession of the firearm is in compliance with the laws of the State in which the unit of the National Park System or the National Wildlife Refuge System is

located.”

This is not an open invitation to carry firearms on all federal lands or in all parks. The first question you need to ask before you enter public lands with a gun is, “Who owns the land?” If it is the state, county or local government, you have to look to local law. Some local law prohibits guns in parks. Nor are all public lands park lands. Prisons, water conservation districts, mental hospitals, airports, schools and the military often own large tracts of undeveloped land as part of their operations. Sometimes hunting is allowed, sometimes it is not. These lands, however, are not park lands and the laws governing them are different from the laws governing parks.

Assuming the land is federal land, only lands controlled by the Secretary of the Interior are impacted by the new law. The largest owner of federal land is the Defense Department. The Defense Department frequently allows hunting in certain areas of its military reservations. It also runs museums, recreational areas, and historic sites. These areas, under the control of the Department of Defense, are not impacted by the new law which says that the Secretary of the Interior may not restrict carrying guns for self defense.

Another large segment of undeveloped federal land is the National Forest system. National Forests are not managed by the Department of Interior. They are managed by the Department of Agriculture. Often commercial enterprise, such as lumbering, is allowed in National Forests. National Forests are not governed by the new law because they are not under the Secretary of Interior, they are under the Secretary of Agriculture, a separate and co-equal member of the President’s cabinet. If you plan to go to a National Forest, make sure you know

the rules for the area you will be going into.

We have also developed multi-jurisdictional scenic “trails,” such as the Appalachian Trail. These trails allow people to hike along many miles of scenic woodlands. Often the trails are a patchwork of open land. That is, one trail could have National Park land, Department of Defense land, state park land, land owned by Ducks Unlimited, county parks, water shed districts and the like. If so, the rules governing firearms on the trail are going to change as you go from one section to another. *Make sure you know the rules for the entire area you intend to visit.*

Once again the new law only prevents the Secretary of the Interior from creating or enforcing regulations prohibiting the carrying of guns in National Parks and National Wildlife Refuges. Other laws are left intact. All federal hunting laws are in full force. Also in force is the federal law which prohibits the private possession of firearms on any federal facility. The facility, however, must be posted so as to inform people that guns are not allowed. You cannot take your gun into a federal court house, office building, post office or other building under federal control. Facilities in federal parks and wildlife areas may prohibit firearms *if* the area has been posted. Visitor centers, museum buildings, halls, and such are clearly covered. Open theaters might be covered. For the sake of the environment, hopefully they will not post public rest rooms. It makes no difference if the building is not owned by the federal government as long as it is controlled by the government. Thus, a book store run by the National Park Service in a private commercial building in an urban area, may be covered by a “no firearms” order. On the other hand, a private concession stand on fed-

eral property, such as a restaurant or hotel, might not be covered. Watch for signs at the entrance that state the building’s policy. Remember, the restriction on guns in these places is not backed up by trespass laws, it is backed by specific federal law and can carry a heavy penalty.

Once you have determined that you will be in a National Park, you now have to determine the state the park is located in. The new law only allows you to carry a gun if the law of the state in which the park is located allows you to do so. Some of our National Parks are located in more than one state. This is especially so in some of the larger Western parks. If the park you are going to is located in two or more states, then you must know the laws of each state and unless you are positive you will confine your activities to areas located only in one state. Then the safest course is to look at the laws of both states and conform with the most restrictive laws either state has.

To an outsider, having to comply with several different sets of laws in one park might seem unreasonable. Federal land management, however, has been doing this for hundreds of years. Because federal law does not deal with local crime, there is no specific federal law against shoplifting, larceny, or rape. To deal with crimes on federal land, Congress passed the “Assimilative Crimes Act” which provides that the federal government adopt, as its own law, the criminal law of the state in which the federal land is located. The new law on National Parks is of extension of the rules that have governed federal lands for many years.

Once you have determined what

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Optics

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and you want a scope that's going to last for a decade or even a lifetime?

"As you become a more serious shooter and spend more on your equipment, you're going to spend more on optics and invest in the long run," Flannigan said. "You want to feel confident that the scope is always going to be dead on, that it's always going to work, and that you like what you see through it. You want a scope that's clear and that has edge to edge crispness."

One way to help choose the riflescope you want is to look through a variety of brands and price points.

"Start with the inexpensive scopes and go up to a \$1500 one," Flannigan said. "There's a definite difference between them. It's like the diamond analogy I already referred to: it's the clarity of the glass and the coatings that make all the difference."

If you're looking for a scope for a rimfire—whether for hunting, target shooting, or just plinking—you still need to buy something that's going to meet the needs of the shooter.

"Although you don't want to spend a fortune on this type of scope, or on equipment for a beginner, it's still very important that the equipment is functional," said Pamela Hulbert, Marketing and Public Relations Manager for Carson Optical. "Otherwise you—or whoever you're teaching—will become frustrated and may lose interest. It's better to spend a little more to get a little more. Spend a little more upfront to get good performance and you'll be less likely to outgrow the scope or have a need to replace it."

In other words, particularly if

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you're teaching your children to shoot with a .22 or similar caliber (or even an airgun), spend the money to get something that works so you can draw them into shooting instead of frustrating them.

"For a beginner, a fixed power scope or a basic 3-9x40mm or 3.5-10x44mm makes the most sense," Hulbert said.

So isn't there any one answer to "Which is the best scope to buy?" It all depends on what rifle you're using, what you're using it for, and who's going to be using it. Take the time to ask a reputable, informed retailer some questions about coatings and lenses (and do your research on the Internet), and then spend what it takes to get a quality riflescope that's right for you.

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state the National Park is in, then you must determine what the gun laws of that state are. If the federal government passes a law requiring all states to recognize the gun licenses of other states, things will be simpler. As of this writing, however, many states do not recognize gun licenses issued by other states. That may require you to obtain a non-resident license from the state you intend to visit. If you have an RV, carrying a rifle or shotgun inside the RV for defense may be your best solution. While traveling over the road, it can be locked away to comply with the laws governing the transport of guns. At night, when you are camping in a National Park, it would be available for defense.

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