

# Rutherford Institute Defends Right of Firearms Training Facility to Re-Open, Warns Against Attempts to Use Pandemic to Curtail Gun Rights

[Rutherford Institute Defends Right of Firearms Training Facility to Re-Open, Warns Against Attempts to Use Pandemic to Curtail Gun Rights](#)

by [The Rutherford Institute](#)

September 2, 2020

[The Rutherford Institute's letter to Nye County](#)

TONOPAH, Nev. – The Rutherford Institute has come to the defense of a Nevada firearms training facility threatened with fines because of its plans for reopening.

In a letter to officials with Nye County, Nevada, on behalf of Front Sight Firearms Training Institute, Rutherford Institute attorneys warned local officials against abusing government authority during the pandemic to curtail Second Amendment rights. Pushing back against claims by Nye County officials that Front Sight faces fines and other penalties due to its plan to allow more than 50 persons in its training facility, Institute attorneys point out that firearms training, designated as “essential infrastructure,” is exempt from the

governor's emergency restrictions. Moreover, attorneys assert that Front Sight Firearms Training Institute is exempt from gathering restrictions and mask requirements imposed by Nevada's governor because state law forbids the use of emergency powers to prohibit activities at the core of the constitutional right to bear arms, including training in the safe use of firearms.

"As the courts have recognized, the constitutional right to possess firearms for protection wouldn't mean much without the training and practice that makes it effective," said constitutional attorney John W. Whitehead, president of The Rutherford Institute and author of [\*Battlefield America: The War on the American People\*](#). "While the government is struggling to formulate an appropriate response to COVID-19, it cannot use this pandemic as a justification for curtailing fundamental rights. The Constitution still applies."

Front Sight Firearms Training Institute is one of the world's premier gun training facilities, with nearly a million citizens completing courses taught by seasoned military and law enforcement professionals on the safe and effective use of firearms. Front Sight is located in a remote area of Nye County near the southern border with California. Citizens travel from around the country to attend courses at Front Sight, often in large groups. After shutting down in March 2020 due to restrictions on the number of persons who could gather at the training facility and mask requirements imposed by Nevada Gov. Steve Sisolak, Front Sight announced in August that it would be reopening and operating its facility to accommodate the large number of persons from across the nation seeking the training it provides. When it learned of Front Sight's plans, Nye County officials contacted Front Sight and warned that its plans violated the Governor's emergency orders. The County asserted that Front Sight would be subject to citation by the state's Occupational Safety and Health Administration (OSHA), which has imposed fines of nearly

\$230,000 upon businesses for asserted violations of the Governor's emergency orders.

In response to the governmental threat against Front Sight, The Rutherford Institute sent a letter to Nye County challenging the legality of any attempt to fine or restrict Front Sight's training activities under the Governor's emergency orders. Institute attorneys point to a Nevada statute that enforces the Second Amendment right to bear arms by forbidding the Governor from using his emergency powers to impose additional restrictions on the possession, carrying display or "use" of firearms. The letter cites court decisions recognizing that firearms training is a core aspect of the constitutional right to keep and bear arms. Additionally, Institute attorneys point out that "shooting ranges" have been designated as "essential critical infrastructure" that are not subject to the Governor's emergency orders. The letter also argues that the mask mandate creates a safety hazard in connection with firearms training, and does not apply to Front Sight.

The Institute is representing Front Sight in collaboration with Leslie Mark Stovall of Stovall & Associates, Pahrump, Nev. The Rutherford Institute, a nonprofit civil liberties organization, defends individuals whose constitutional rights have been violated and educates the public about threats to their freedoms.