

# POINT BLANK

**STRAIGHT TALK  
ABOUT WHAT YOU  
CAN DO TO  
PRESERVE YOUR  
RIGHT TO KEEP AND  
BEAR ARMS**



**June  
2010**  
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## **CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**

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## **SENATE SHOULD QUIZ KAGAN ON GUN RIGHTS**

"The Senate Judiciary Committee should question Elena Kagan on her view of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms during her public confirmation hearings this summer on her appointment as Associate Justice of the United States Supreme Court," John M. Snyder, CCRKBA Public Affairs Director, said.

In May, President Barack Obama nominated Kagan, the Solicitor General of the United States, to succeed Associate Justice John Paul Stevens, 90, who is retiring this year.

"It is imperative that United States Senators determine during the confirmation process Kagan's attitude on Americans' constitutionally protected gun rights before deciding to vote for or against confirmation."

During Kagan's confirmation hearings as Solicitor General, she was asked if the Supreme Court had "rightly decided" in the landmark District of Columbia v. Heller case. She said that Heller and other cases "are now settled law, and as such, are entitled to my respect as the nominee for Solicitor General. In that position, I would not frequently or lightly ask the Court to reverse one of its precedents, and I certainly would not do so because I thought the case wrongly decided."

She said on that occasion she would "commit to show Heller and the principles articulated in it the full measure of respect that is due to all constitutional decisions of the Court. Only highly unusual circumstances can justify the Solicitor General's office to ask the Court to reconsider a decision, especially one as thoroughly considered as Heller. Once again, there is no question, after Heller, that the Second Amendment guarantees individuals the right to keep and bear arms and that this right, like others in the Constitution, provides strong although not unlimited protection against governmental regulation."

On the other hand, she wrote in 1987 as a clerk to Associate Justice Thurgood Marshall "I'm not sympathetic" to a District of Columbia man's appeal who contended that his constitutional rights were being violated when he was convicted in DC for carrying an unlicensed pistol.

James Oliphant reported in the Chicago Tribune, "According to records at the William J. Clinton Presidential Library in Little Rock, Arkansas, she also drafted an executive order restricting the importation of certain semi-automatic assault rifles." She was Associate Counsel to President Clinton at that time.

Let both of your U.S. Senators know you want to know where Kagan stands on your right to keep and bear arms.

# CCRKBA HITS PHONY ANTI-GUN TERROR BILL

When a U.S. Senate committee held a public hearing on an anti-gun bill promoted as an anti-terror bill, John M. Snyder, CCRKBA Public Affairs Director, blasted the measure as a "phony cloak" piece of legislation.

He said its promoters and supporters were trying to manipulate public concern regarding the threat of terrorism towards an undermining of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

Snyder said Senators should pursue public policies to help citizens resist terrorists and other criminals, such as national reciprocity for holders of CCW permits issued by states.

Sen. Joseph Lieberman of Connecticut, Chairman of the Senate Committee on Homeland Security and Governmental Affairs, held the hearing on S. 1317, by Sen. Frank Lautenberg of New Jersey, the proposed Denying Firearms and Explosives to Dangerous Terrorists Act.

Snyder said S. 1317 "actually is a cloak over an ideological anti-American gun owner agenda. It would place unprecedented authority in the hands of the Attorney General to deny someone his Second Amendment rights without having been convicted, or even charged with, any crime. Instead, under this legislation, someone whose name is added – for whatever reason – to a terrorist watch list suddenly can find himself or herself prohibited from purchasing a firearm, from exercising his or her constitutionally protected rights based on no more than suspicion.

"The bill and its supporters fail to inform the public about the list itself. Who is on it? Why? Who puts one on it? How does one get her name

placed on it? How does one get off it? Can a government official place on it the names of people considered unfriendly to or unsupportive of the government official? Can a journalist or anyone considered unfriendly to or unsupportive of a government official be placed on it? Can this happen without the subject's knowledge? Could one who supports, or opposes, any legislative program on any issue be placed on it?"

Snyder declared that, "The bill opens up to general scrutiny the watch list itself. As it exists now, its potential for public abuse is incalculable. It is contrary to our American tradition of civil liberty, regardless of the particular issue up for debate.

"Rather than even think of giving the Attorney General the prerogative of placing the names of gun owners or anyone he wants on the watch list, what this Senate committee really needs to do is examine the watch list itself."

Sen. Susan Collins of Maine, the Committee's Ranking Member, said "incidents of mistaken application of the terrorist watch list are very unfortunate, but these errors now result only in the restriction of a privilege, such as the right to board a plane or to travel to the United States from overseas. The expansion of the watch list to potentially deprive law-abiding Americans of a constitutional right, however, is wholly different and raises many critical questions."

She went to say that as Congress contemplates watch list expansion, "we must carefully consider these questions:

Are appropriate protections included within the watch listing process to justify the denial of a constitutional

right?

If not, what procedural protections should be afforded those who are erroneously denied the ability to purchase a firearm?

What guidelines are necessary to constrain the Attorney General's discretion to prevent law-abiding Americans from purchasing a firearm?

"None of us wants a terrorist to be able to purchase a gun. But neither should we want to infringe upon a constitutional right of law-abiding Americans."



## POINT BLANK

*"Straight talk about what you can do to  
preserve your right to keep and bear arms."*

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# CCRKBA SUPPORTS MOVE TO RECTIFY DC GUN LAWS

CCRKBA said that bipartisan bills introduced in the Senate and House of Representatives to repeal most gun laws in the District of Columbia “would not be necessary if District officials had lived up to the 2008 U.S. Supreme Court ruling in the District of Columbia v. Heller case.”

Sen. John McCain of Arizona introduced the proposed Second Amendment Enforcement Act, S. 3265, with Sens. Mark Begich of Alaska, Robert Bennett and Orrin Hatch of Utah, Sam Brownback of Kansas, Richard Burr of North Carolina, Saxby Chambliss and Johnny Isakson of Georgia, Lindsay Graham of South Carolina, Jon Tester of Montana and Roger Wicker of Mississippi as original cosponsors.

Referred to the Senate Committee on Homeland Security and Governmental Affairs, S. 3265 would overrule the District’s complicated registration requirements. It also would prevent enactment of regulations that prohibit the carrying of firearms in public places. It would further reign in the police chief’s discretionary power to deny carry licenses to law-abiding citizens.

In the House of Representatives, Rep. Travis Childers of Mississippi introduced companion legislation with over 60 cosponsors. The bill, H.R. 5162, was referred to the Committee on Oversight and Government Reform.

“District officials have stubbornly refused to adopt rational gun regulations that include the right-to-carry for self-defense, even though they were essentially told to do so by the Supreme Court,” said CCRKBA Chairman Alan M. Gottlieb. “The city’s resistance to change has been

both obstructive and childish, and it is time for grown-ups in Congress to stop this nonsense.”

Gottlieb stated that, “Mayor Adrian Fenty, the District Council and Police Chief Cathy Lanier have deliberately, and I believe maliciously placed one roadblock after another in the paths of District citizens to exercise their Second Amendment rights. These officials have hardly dealt with this issue in good faith. Instead they have mired the process in needless bureaucracy with no other apparent purpose than simply to discourage District residents from legally obtaining and keeping firearms for personal protection, as the Heller ruling clearly mandated.”

Earlier, according to *The Washington Post*, congressional leaders’ decision “to shelve a D.C. voting rights bill, just days after announcing plans to move ahead, scuttles what supporters say was the best opportunity in a generation to give the District a voting seat in the House of Representatives.

“House Majority Leader Steny Hoyer (D-MD) abandoned the long-sought legislation with the blessing of Del. Eleanor Holmes Norton (D-DC), who had pushed for the measure. Hoyer said they pulled the bill because of an amendment that would have repealed most of the District’s gun control laws and had caused deep divisions among city leaders, including two Democratic mayoral rivals, incumbent Adrian Fenty and DC City Council Chairman Vincent Gray. ‘The price was too high,’ Hoyer explained during a press conference in which he said he was ‘profoundly disappointed’ at ‘his inability to get this legislation passed.’”

Gottlieb commented that, “Just the

other day, they willingly sacrificed full congressional voting rights because the measure also included full gun rights provisions.

“We will encourage our members to support the proposed Second Amendment Enforcement Act. The District government’s arrogant obstinacy has grown intolerable. Congress must pass this legislation and force the District’s juvenile city government to behave.”

Norton said that S. 3265/H.R. 5162, the proposed Second Amendment Enforcement Act, “looks exactly like the bill that was going to be attached to the (DC Voting Rights Act). ‘It is this revised, over-the-top language that caused us to pull the DC Voting Rights Act from the House floor in the interest of protecting our neighborhoods and on federal property here.’”

In S. 3265/ H.R. 5162, Congress would find that DC officials “have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District” and that “legislation is required to correct the District of Columbia’s law in order to restore the fundamental rights of its citizens.”

Congressman Childers said, “I’m proud to introduce bipartisan legislation to protecting Americans’ Second Amendment rights. I was disappointed that this legislation was pulled from the floor schedule, but the reintroduction marks an important step toward restoring DC citizens’ right to bear arms, and safeguarding the right of all Americans to defend themselves and their families. I will continue working with my colleagues on both sides of the aisle to protect this fundamental American right.”

# FIREARMS FREEDOM ACT GATHERS STATE SUPPORT

A number of individual states throughout the United States have responded favorably to a legislative proposal providing that firearms and ammunition manufactured, distributed, sold and used exclusively within a specific state are not subject to regulation by the federal government.

Individuals and entities opposed to this concept maintain it cannot pass constitutional muster because of the broad authority Congress has under its constitutional power to regulate interstate commerce.

Among opponents of the concept are officials of the U.S. Department of Justice. The Department has asked a federal court in Missoula, Montana to dismiss a suit by Montana gun rights activists that a new Montana firearms law exempts guns and ammunition made and sold within the state from federal gun statutes.

The Justice Department maintains that states cannot exempt themselves from rules on federal gun registration, background checks and dealer licensing.

The pioneering efforts to support the new gun rights concept have been guided by Gary Marbut of Montana, with the legal assistance given the new Montana-passed Firearms Freedom Act by the Second Amendment Foundation, founded by CCRKBA Chairman Alan M. Gottlieb.

In addition to the action in Montana, versions of the Firearms Freedom Act have been enacted in Arizona, Idaho, South Dakota, Tennessee, Utah and Wyoming.

Marbut says probably another two dozen states also are considering the development of similar legislation.

Montana and the other states which

already have enacted versions of the Firearms Freedom Act are arguing in a suit filed in federal court that the state should decide which rules, if any, would control the sales and purchases of guns and paraphernalia made in the state.

In a Montana suit, reports Bob Unruh of *World Net Daily*, "lawmakers in Montana are suggesting that the courts should be deciding whether Congress has overstepped its authority in a dispute over a state exemption from federal regulations for guns made and sold inside state boundaries."

According to an amicus brief filed on behalf of Montana legislators, "Should Congress enact a law that appears to conflict with the guidance in the (Montana Firearms Freedom Act), the courts may then determine whether Congress has acted within the scope of its delegated powers as limited by later amendments... The courts may then determine the extent to which Congress's enactment has abrogated the state's exercise of power within the same sphere."

The brief was filed in a lawsuit that was brought against U.S. Attorney General Eric Holder by the Second Amendment Foundation, and the Montana Shooting Sports Association.

"It seeks a declaration that the federal government must stay out of the way of Montana's management of its own firearms," reports Unruh.

Bozeman, Montana attorney Jennifer Bordy and Jeffrey Renz of the University of Montana School of Law submitted the brief on behalf of state legislators in Montana. They reportedly said the law is a "truism."

Bordy and Renz declared the law "is the Montana legislature's expression that the mere fact that a manufactured

good is a firearm or a firearm accessory does not automatically subject it to federal regulation."

The legal arguments are based on the Commerce Clause in the U.S. Constitution as well as on the Constitution's Second, Ninth and Tenth Amendments.

The brief maintains that the law "is intended to allow Montana citizens to engage within their state in constitutionally protected activity without burdensome federal oversight and regulation for their solely intrastate activities."

The brief states also that, "It is questionable whether Congress's authority under its conditional spending power or its power to regulate interstate commerce extends to Montana Firearms Freedom Act firearms."

The Bordy and Renz brief notes a 1939 U.S. Supreme Court ruling that "states are as independent of the general government as that government is of the states."

The brief argues that, "Where a power had not been granted exclusively to the national government or, where generally granted, had not been exercised... the states retain freedom to legislate."

The brief admits "it is without question that should the U.S. Congress wish to tax firearms, whether they are in the stream of commerce or not, it is free to do so... Nevertheless the power to tax for revenue... is different from the power to regulate by means of a duty, excise, or impost..."

"There is nothing in the Montana Firearms Freedom Act that should offend the powers of the national government."



# CCRKBA NOTES RACISM IN ANTI-GUN CAMPAIGN

"The Brady Campaign to Prevent Gun Violence and their soul mates at the Violence Policy Center have consistently avoided discussing the racist underpinnings of gun control because they know it is a political minefield," charged CCRKBA Chairman Alan M. Gottlieb and CCRKBA Communications Director Dave Workman in a column last month.

The CCRKBA officials wrote, "historian Clayton Cramer noted in his essay on the racist roots of gun control that, 'the historical record provides compelling evidence that racism underlies gun control laws – and not in any subtle way. Throughout much of American history, governments openly stated that gun control laws were useful for keeping blacks and Hispanics in

*their place* and for quieting the racial fears of whites.'"

Gottlieb and Workman recalled that leaders of the Brady Campaign "opposed a landmark court ruling that struck down the handgun ban in the District of Columbia, a city with a predominantly black population. They later opposed legislation that would grant the District full voting rights in Congress, because the measure contained a provision expanding gun rights for those same citizens.

"They filed a court brief opposing a lawsuit filed against the City of Chicago's handgun ban by Otis McDonald, an African-American whose life story would make inspiring material for a movie."

"How much longer can the Brady

Bunch and its allies conceal the ugly true nature of gun control laws," asked Gottlieb and Workman. "These laws were the cornerstone of the Black Codes in the reconstruction south, designed to keep free blacks defenseless against the night riders who would eventually become the (Ku Klux) Klan.

"Failure to address the racist roots of gun control makes every other argument addressed by the Brady Campaign to be little more than a subterfuge. Municipal gun bans disproportionately affect inner city minorities, yet nobody in the gun prohibition movement dares to broach the subject, because once the lid is off that Pandora's Box, it is not going to close again, and anti-gunners know it."

## CITIZEN ACTION PROJECT

The smoke had barely cleared from the defective SUV bomb left in New York's Times Square by Faisal Shahzad when gun control fanatic Mayor Michael Bloomberg, with NYC Police Commissioner Ray Kelly in tow, was testifying in favor of S. 1317 and H.R. 2159, the "Denying Firearms and Explosives to Dangerous Terrorists Act." These bills would add anyone on the terrorist watch list to the list of denied persons maintained in the FBI's National Instant Criminal Background Check System.

There is one critical difference between existing law and S. 1317/H.R. 2159: currently individuals who are prohibited from possessing firearms know it, and their conviction or other disqualifying situation is a matter of public record in most cases. These bills would add anyone on the terrorist watch list to the prohibited category. But no one knows WHO is on the terrorist watch list; no one knows HOW YOU ARE ADDED to the list; and no one knows HOW TO BE REMOVED from the list.

In his zeal to use any excuse to pass gun control laws, Mayor Bloomberg forgot to mention the fact that when Shahzad bought his Kel-tec rifle from a gun shop in Connecticut, he was not on any terrorist watch list. He passed the background check AND the 14-day Connecticut waiting period. It seems the government missed his visits to Pakistan and that should have tipped them off that something was wrong here.

Now is the time to contact your Senators and Representative. Tell them it's wrong and it's unconstitutional to deny a fundamental right to U.S. citizens without due process of law. You can find your elected representatives in the "blue pages" in your telephone directory, at [www.house.gov](http://www.house.gov) or [www.senate.gov](http://www.senate.gov), or at the CCRKBA web site at <http://www.ccrkba.org>.

# ARIZONA GOVERNOR NAMED THE JUNE CCRKBA DEFENDER

Governor Janice K. Brewer of Arizona is the CCRKBA Gun Rights Defender on the Month for June.

In nominating the Grand Canyon State chief executive for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "Gov. Jan Brewer, since she became governor in January, 2009, has demonstrated genuine support of the individual right to keep and bear arms. She has manifested this by dramatic action as well as by articulate word. She most certainly deserves this CCRKBA Gun Rights Defender of the Month Award."

In mid-April, Governor Brewer signed into a law a measure allowing adults in her state to carry a concealed firearm without a permit, thus putting her in the forefront of those supporting what is being characterized as constitutional carry.

Arizona joined Alaska and Vermont in allowing concealed carry without permits. The Arizona law still enables law-abiding citizens to obtain concealed carry permits if desired.

"The State of Arizona has long been the home to defenders of personal liberty and the freedoms enshrined and protected by the Constitution of the United States and our State Constitution," said Gov. Brewer.

"I believe strongly in the individual rights and responsibilities of a free society, and as Governor I have pledged a solemn and important oath to protect and defend the Constitution," she continued.

"Today I signed Senate Bill 1108, the constitutional carry bill. I be-

lieve this legislation not only protects the Second Amendment rights of Arizona citizens, but restores those rights as well. I am joined in support of this legislation by both Republican and Democratic members of the Arizona legislature, and I laud the strong number of bipartisan supporters who join with me to defend the rights of



Gov. Janice K. Brewer

our citizens."

Brewer was Arizona Secretary of State from 2002 through 2009. She acceded to the governorship when her predecessor, Janet Napolitano, was appointed Secretary of the federal Department of Homeland Security (DHS) by President Barack Obama.

Brewer has been quite a contrast to Napolitano on gun rights issues. As governor, Napolitano vetoed a measure which would have allowed a person without a concealed carry permit to carry a firearm by means of any transportation other than public transportation. Napolitano also vetoed a measure which would have lowered the penalty for carry-

ing a firearm without a permit to a petty offense, as well as a bill which would have provided for a lifetime concealed carry permit.

As an Obama administration official, Napolitano was in charge last year when DHS issued a message to law enforcement officials alleging "a correlation may exist between the potential passage of gun control legislation and increased hoarding of ammunition, weapons stockpiling, and paramilitary training activities among right wing extremists."

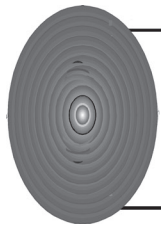
Since Brewer took over from Napolitano, she has signed into law a measure which prohibits cities from having restrictions on firearms more stringent than anything in state law, as well as a bill stating that federal laws do not apply to guns and ammunition manufactured wholly in Arizona.

Born in California, Brewer received radiological education from Valley College in Burbank, California. A Lutheran, she is married to Dr. John Brewer.

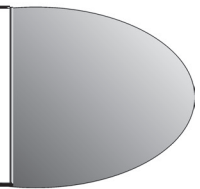
Prior to her service as Arizona's Secretary of State, Gov. Brewer served as Maricopa County Supervisor.

She spent 14 years in the Arizona State Legislature, first as a state representative from 1983 to 1986, and then as a state senator from 1987 to 1996. As senator, she held the leadership position of Majority Whip, and worked successfully for tax relief and budget reform; truth in sentencing; open enrollment, school report cards, and charter schools; clean air and water legislation and state trust land preservation.

She is a member of the Arizona Rifle and Pistol Association.



# QUICK SHOTS



In a report on the economic impact of gun sales released this spring, the National Shooting Sports Foundation (NSSF) announced that the industry nationally employed 166,200 individuals in 2008 and 183,424 in 2009, that it paid employees \$6,361,205,400 in 2008 and \$8,210,881,000 in 2009, and that its economic impact was \$19,199,634,700 in 2008 and \$27,846,304,300 in 2009. The report noted that the economic growth in America's firearm and ammunition industry experienced last year was driven by an unprecedented number of Americans choosing to exercise their fundamental right to keep and bear arms and purchase a firearm and ammunition. This coincided with the continued decline in accidental firearm-related deaths (more than a 60 percent decrease in the last 20 years) and a continued drop in crime rates nationally. Also according to the report, there were \$1,503,740,472 paid in federal taxes in 2008 and \$2,035,154,440 in 2009, \$1,299,088,678 paid in state taxes in 2008 and \$1,909,417,793 in 2009, \$327,070,867 paid in excise taxes in 2008 and \$450,177,780 in 2009.



In Omaha, Nebraska in late April, an armed customer shot a man attempting to rob a Walgreens one Monday night. Investigators said two masked suspects, one armed with a short shotgun entered the store. Police reported the armed suspect leveled the gun at customers, according to KPTM. One of the

customers at the register saw the suspect point the gun in the direction of the register where several others were standing. The customer drew a handgun from his waistband and shot the suspect holding the shotgun several times. The suspect ran from the store and collapsed outside. He died later at the hospital. The second suspect was held in the store by the same customer until police arrived and took him into custody. The customer had a carry permit which allows a person to carry a loaded handgun in plain view. He did not have a permit to carry concealed but was carrying concealed so was cited with a misdemeanor. Douglas County Attorney Don Kleine said no charges will be filed against the customer, Harry McCullough III, 32, because the shooting was justified.



CCRKBA Chairman Alan M. Gottlieb has announced the formation of the International Association for the Protection of Civilian Arms Rights (IAPCAR). Among the activities of IAPCAR, to which he and Julianne Versnel, Point Blank managing editor, are listed as ambassadors, is the signing up of over 1,200 gun owners as co-plaintiffs in a class action lawsuit, the first gun owner class action suit filed in Europe, to protect the rights of Italian firearm owners.



In Shelby, North Carolina, Roger Dale Ramsey, 63, used a revolver to protect his home from a burglary suspect in late April, according to

the Shelby Star. Ramsey returned home around midnight and heard noises for several minutes before investigating. Officer J.V. Patrick wrote that, "Roger advised he checked his rear bathroom window, then the window on the west side of the house, then turned around in his dining room to see a suspect step out of his bedroom into the dining room." Ramsey then pointed his firearm, but the suspect didn't halt as requested. "The suspect turned and leapt out the bedroom window on the east side and ran," stated the police report.



The national 25<sup>th</sup> annual Gun Rights Policy Conference (GRPC), cosponsored by CCRKBA and the Second Amendment Foundation, is slated to take place this year on September 24, 25 and 26 in San Francisco, California at the Hyatt Regency San Francisco Airport Hotel. "With the new battles over individual rights in the age of terrorism, attacks on our gun rights from the United Nations as well as a number of Second Amendment cases in the courts, including the U.S. Supreme Court McDonald decision, the theme of Saving Freedom is most important as we set the pro-gun rights agenda for the year to come," states CCRKBA Chairman Alan M. Gottlieb. For further information, please call (425) 454-7012.

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## **2010 Gun Rights Policy Conference**

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Come meet national gun rights leaders and your fellow grassroots activists at the 25th Annual Gun Rights Policy Conference (GRPC 2010) in San Francisco, California. This is your once-a-year chance to network and get an insider look and plan pro-gun rights strategies for the coming year.

Past GRPCs have outlined victory plans and made public the latest firearms trends. They allow you a first-hand chance to hear movement leaders--and make your voice heard.

This year we'll take a look at critical issues such as: city gun bans, youth violence, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, state and local activity. We'll also preview the upcoming elections and analyze the U.S. Supreme Court McDonald decision.

The full roster of GRPC 2010 speakers has not yet been set. Past speakers have included: Alan M. Gottlieb, Joseph P. Tartaro, Wayne LaPierre, G. Gordon Liddy, Michael Reagan, Larry Elder, Ken Hamblin, John Lott, Sandy Froman, Massad Ayoob, Tom Gresham, Alan Gura, Reps. Bob Barr and Chris Cannon and many others. Check our web sites -- [www.saf.org](http://www.saf.org) or [www.ccrkba.org](http://www.ccrkba.org) for updates.

### **CONFERENCE and HUNDREDS OF DOLLARS WORTH OF MATERIALS ARE FREE!**

Books, monographs and other materials—enough to start a Second Amendment library are free, as are Saturday luncheon, Friday and Saturday evening receptions and morning and afternoon snack breaks. Other meals, travel and lodging are to be paid by attendee. After you register, you will be mailed information about hotel reservations, invited speakers and a tentative agenda.

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