

# POINT BLANK

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



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

*(a non-profit corporation)*

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## **CCRKBA HITS MOVE AGAINST GUN SHOWS**

CCRKBA blasted the latest move in the Nation's Capital to promote legislation targeting the activities of tens of millions of law-abiding firearm owners at America's gun shows.

"In their latest attempt to undermine Americans' freedom, the gun grabbers in mid-July got the cooperation of anti-RKBA Congressmen to hold a Capitol Hill forum on the so-called 'gun show loophole,'" noted John M. Snyder, CCRKBA Public Affairs Director.

The forum was held by the House Judiciary Subcommittee on Crime under the chairmanship of Rep. Bobby Scott (VA) with the approval of full Committee Chairman John Conyers, Jr. (MI) to promote legislation endorsed by the Brady Campaign to Prevent Gun Violence.

"The legislation, H.R. 2324, by anti-gun Rep. Carolyn McCarthy (NY) and a number of cosponsors, would encumber the promoters and participants in gun shows with federal regulations and restrictions to render problematic gun shows' continuation," Snyder charged.

"The whole 'gun show loophole' claim in reality is a public relations scam. CCRKBA has, is and will battle this scam against gun shows as well as other attempts to undermine gun rights in the United States. Although the economic times are difficult, we'll make every effort we can to protect your rights, and hope our readers will support us in our efforts."

In an analysis of the gun show issue, attorney David B. Kopel, Research Director of The Independence Institute, wrote that, "Despite what some media commentators have claimed, existing gun laws apply just as much to gun shows as they do to any other place where guns are sold. Since 1938, persons selling firearms have been required to obtain a federal firearms license. If a dealer sells a gun from a storefront, from a room in his home or from a table at a gun show, the rules are exactly the same: he can get authorization from the FBI for the sale only after the FBI runs its 'instant' background check (which often takes days to complete). As a result, firearms are the most severely regulated consumer product in the United States – the only product for which FBI permission is required for every single sale.

"Conversely, people who are not engaged in the business of selling firearms, but who sell firearms from time to time (such as a man who sells a hunting rifle to a brother-in-law), are not required to obtain the federal license required of gun dealers or to call the FBI before completing the sale."

Although Brady Campaign President Paul Helmke suggests the lack of a Gun Show Loophole Closing Act "threatens the safety of our families and communities," the National Institute of Justice has noted that only two percent of criminal guns come from gun shows.

# VOTERS CAN PROTECT GUNS FROM ANTI-GUN UN GROUPS

"There is a lot of commentary and discussion about a proposed international gun ban treaty at the United Nations and an Inter-American anti-gun convention at the Organization of American States," John M. Snyder, CCRKBA Public Affairs Director, noted.

"This certainly causes CCRKBA tremendous concern," he added. "It's time to take a good, hard look at how under the United States Constitution a treaty becomes part of the supreme law of the land in the United States and what gun rights supporters can do to make sure our country does not become party to such an agreement."

To become operative, a treaty must be signed by the President and ratified by a two-thirds vote of the Senate.

That means that a treaty, if it is signed by the President, does not become effective unless two-thirds of the Senate agrees to it.

Usually, that would mean that a treaty, to be ratified, would have to have the votes of 67 out of 100 Senators.

That also means that if 34 Senators did not vote for the treaty, it would not be ratified. They would not even have to vote against it. They would just have to not vote for it.

Of course, if the Senate at a given time does not have its full complement of 100 Senators, the numbers would be different.

Here's where gun-owning voters come in.

By supporting senatorial candidates who oppose these international anti-gun schemes and opposing senatorial candidates who support them, voters who are proponents of gun rights can go a long way to ensure

that candidates on the correct side of this issue are elected and that those who are not go down the political tubes.

"This is a matter of crucial importance," commented Snyder. "At the present time, we have a President, Barack Obama, and a Secretary of State, Hillary Rodham Clinton, who support these international anti-gun schemes and who would push hard for them if they felt the Senate would go along with them.

"It is critical for gun-owning voters to make sure Obama and Clinton don't get that chance. Gun owners can make sure they vote for and help senatorial candidates who support the protections afforded by the Second Amendment and who will tolerate no attempt to interfere with it."

Snyder said "What's really at stake here is our Second Amendment. Gun grabbers in the United States and throughout the world simply can not tolerate that ordinary, law-abiding American men and women enjoy the individual right to keep and bear arms. They know they probably will not succeed with a direct assault on our constitutional freedoms. They seek a roundabout way to undermine those freedoms. They think that by getting the United States committed to an international regulation of small arms, including personal rifles, shotguns and handguns, they will be able to force American compliance with such regulations."

John Bolton, a CCRKBA Gun Rights Defender of the Month who was U.S. Ambassador to the UN during the Bush Administration, said that even though promoters of the treaty have presented it as an instru-

ment to deal with international arms trade, "the real agenda is domestic firearms control."

Bolton noted that while treaty supporters cite the object is "illegal" guns, "that begs the whole question. What's legal and what's illegal in a domestic application?"

Bolton stated definitively that, "Whatever the appearance on the surface, there's no doubt that domestic firearms control is right at the top of the agenda."



## POINT BLANK

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

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# ELECTION WINS NECESSARY TO PRESERVE COURT RULINGS

"The Supreme Court's narrow pro-gun decision in the McDonald case shows the need for future gun rights electoral success," John M. Snyder, CCRKBA Public Affairs Director, said in Washington, D.C. following the Court's ruling.

"The welcome but close judicial victories for gun rights supporters in June in *McDonald v. City of Chicago* and two years ago in *District of Columbia v. Heller*, both by narrow 5-4 margins, underscore the importance for America's 100 million law-abiding gun owners of mobilizing and organizing to achieve political victories in senatorial and presidential campaigns," he added.

Snyder said that, "While we rejoice in the *McDonald* and *Heller* decisions, we know that these and other decisions are made by individuals who are appointed by the President and confirmed by the Senate. We think also that gun grabbers are hoping for a reversal of these two decisions at some point in the future if the personnel balance on the Court shifts in their favor."

In a similar reflection, *The Wall Street Journal* called the victory a "five gun salute" but cautioned "the High Court's four liberals are holding out to overturn *Heller*." The *Journal* noted that "judicial liberals have been discovering the virtues of legal precedent now that conservatives are finally winning a few cases at the Supreme Court, but in yesterday's major gun rights case that all went out the window. The four liberal Justices rejected a 2008 landmark precedent as well as one of their own bedrock constitutional principles..."

"All of this suggests that the liberals have decided to bide their time

and wait for a fifth vote so they can overturn both *Heller* and *McDonald*. This means that the matter of Second Amendment rights is far from settled."

The article warned that gun rights supporters "had better keep their guard up."

Snyder said that the significance of Supreme Court personnel "is especially evident as the Senate considers confirming to the Court an appointment of a candidate, Elena Kagan, whose opinions on gun ownership are in the opinion of many disqualifying, by a president, Barack Obama, whose public positions on gun ownership and gun use are unacceptable by the Second Amendment community. After all, Obama's previous appointee, Sonia Sotomayor, voted on the wrong side of the issue in the *McDonald* case.

"As one of the three branches of our government, the Supreme Court is a political institution. It is not sacrosanct. Gun owners recognize this and can be counted on in the future to work to ensure that candidates responsive to their interests are elected to the presidency and to the Senate. Americans who value Second Amendment rights realize that a president and Senate disposed favorably to gun rights are desirable and even necessary if the favorable opinions rendered in the *Heller* and *McDonald* cases are to be maintained and, hopefully, even extended."

Right after the Court handed down its decision, Otis McDonald, the chief plaintiff in the case, Alan Gura, the chief counsel in the case, and CCRKBA Chairman Alan M. Gottlieb, who is also the Executive Director of the Second Amendment

Foundation (SAF), which funded the case, applauded the decision.

"The ruling clearly shows that the right of the individual citizen to have a gun is constitutionally protected in every corner of the United States," Gottlieb stated. "We already are preparing to challenge other highly-restrictive anti-gun laws across the country. Our objective is to win back our firearms freedoms one lawsuit at a time."

In striking down Chicago's handgun ban, and incorporating the Second Amendment right to keep and bear arms so that it applies to state and local governments as well as the federal government, the high court affirmed that a constitutionally-protected civil right cannot be arbitrarily regulated as though it were a privilege, he added.

The ruling marks another important Second Amendment victory for Gura, who also successfully argued the *Heller* case in 2008. This time around, Gura represented SAF, the Illinois State Rifle Association (ISRA), and Colleen and David Lawson, Adam Orlov and Otis McDonald.

"I'm glad the Supreme Court has ended the years of oppression of law-abiding gun owners by the City of Chicago," added ISRA Executive Director Richard Pearson.

"Thanks to the Supreme Court," Gottlieb observed, "average Chicago residents like Mr. McDonald, the Lawsons and Mr. Orlov will now enjoy the same right of self-defense as a squad of bodyguards provides to Mayor Richard Daley. Now we can work to lower the deplorable violent crime rate in Chicago, something that the anti-gun mayor's policies have been unable to accomplish."

# CCRKBA NOTES BILL FOR MICROSTAMPING STUDY

CCRKBA recently took special note of H.R. 5667, the proposed Firearms Microstamping Evaluation and Study Act of 2010, introduced by Congressman Dan Boren (OK) with over a half-dozen bipartisan original cosponsors. It was referred to the House Judiciary Committee.

The proposal for the study comes as anti-gun politicians have been promoting the microstamping idea without proper consideration of its potential effects.

Microstamping is a patented process that laser engraves the firearm's make, model, and serial number on the tip of the gun's firing pin so that, in theory, it imprints the information on discharged cartridge cases.

"As part of their campaign to undercut Americans' firearm rights, gun grabbers at the federal and state level have been proposing mandatory firearms microstamping legislation in a supposed attempt to reduce the use of guns in crime or to make more likely the apprehension of the perpetrators of those crimes," John M. Snyder, CCRKBA Public Affairs Director, observed.

"However, as firearm and ammunition experts and reliable studies have noted, there is not a suitable indication that such legislation, which would probably have a negative impact on the ability of law-abiding citizens to acquire and use firearms, and on the firearms industry in producing and distributing guns, would have an appreciable impact on the use of firearms in crime," he added.

According to a fact sheet *Point Blank* obtained from the National Shooting Sports Foundation, a recent independent, peer-reviewed study published in the journal for forensic firearms

examiners proved that the technology of microstamping is unreliable and does not function as the patent holder claims. It can be defeated in mere seconds using common household tools or criminals could simply switch the engraved firing pin for readily available unmarked spare parts, thereby circumventing the technology.

"Coming as it does in the context of the current controversy over proposed mandatory microstamping legislation, the introduction of H.R. 5667 comes as a welcome and necessary attempt to slow down the blind march towards passage of such legislation without proper consideration of its consequences," said Snyder.

Described as a bill to provide for the conduct of a study on the effectiveness of firearms microstamping technology and an evaluation of its effectiveness as a law enforcement tool, original cosponsors of H.R. 5667 are Reps. Jason Altmire (PA), Rob Bishop (UT), John Boozman (AR), Paul Broun (GA), Stephanie Herseth Sandlin (SD), Jeff Miller (FL), and Mike Ross (AR).

CCRKBA Members and Supporters could contact their own U.S. Representative and ask him or her to become a cosponsor of H.R. 5667.

The sponsors of H.R. 5667 seek a comprehensive study of firearms microstamping technology that can be incorporated into a firearm during the manufacturing process in order to determine whether the technology is workable and could be a cost-effective law enforcement tool.

They would like to determine the cost to manufacturers, firearm owners, and state governments of mandating the incorporation of microstamping technology into a firearm.

They seek to determine what hap-

pens to the reliability of firearms microstamping if non-metallic materials are used to manufacture cartridge cases.

H.R. 5667 would provide that the Attorney General arrange with the National Research Council of the National Academy of Sciences to conduct an extensive study on firearms microstamping technology.

The study would identify whether there are domestic or international patents applicable to any technology capable of being applied in the manufacturing of a firearm, capable of producing a microscopic array of characters that identify the make, model, and serial number of the firearm, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of a semiautomatic pistol firearm are transferred by imprinting on each cartridge casing when the firearm is discharged.

It would determine whether the normal operation of a firearm and repeated firing adversely affects the quality, reproducibility, and legibility of the firearms microstamping impressions of a cartridge case, whether metallic or non-metallic.

The study would develop a comprehensive list of environmental and nonenvironmental factors, including modifications to a firearm with common tools and interchangeable parts, that can remove or change the identifying marks on a cartridge case so as to preclude a scientifically reliable identification of a firearm that has been microstamped, and whether these factors would preclude the specimen from being admissible as evidence in a court of law.

# CCRKBA OBSERVES SLEW OF NEW HOUSE GUN BILLS

A number of firearms-related bills have been introduced in the House of Representatives.

Rep. Dennis Rehberg (MT) offered the proposed Firearms Freedom on Federal Lands Act, H.R. 5523, to protect the right of individuals to bear arms on federal lands administered by the United States Forest Service and the Bureau of Land Management.

It would provide in general that the Secretary of Agriculture and the Secretary of the Interior shall not promulgate or enforce any regulation or executive order, including presidential declarations authorized under the Antiquities Act of 1906, that prohibit an individual from possessing a firearm, including an assembled or functional firearm, in any unit administered by the Forest Service or the Bureau of Land Management, as long as the individual is not prohibited by law from possessing a firearm and is

in compliance with applicable state law in which such unit is located.

Rep. Broun introduced H.R. 5672, to protect the use of traditional hunting and fishing equipment on federal lands and to prevent the unnecessary and unwarranted restrictions on the implements and equipment used by hunting and fishing communities.

It would prohibit the federal government from prohibiting, limiting or controlling, based on material composition, the type of firearm ammunition or fishing tackle used on federal lands.

Congressman Broun also proposed H.R. 5673, to require that all hunting activities be a land use in all management plans for federal land to the extent that such use is not clearly incompatible with the purposes for which the federal land is managed.

Rep. Jerry Moran (KS) introduced H.R. 5700, the proposed Service

Member Second Amendment Protection Act of 2010. This is the House version of S. 3388. It would protect the Second Amendment rights of soldiers and Defense Department employees by prohibiting the Department from requiring the registration of privately owned firearms, ammunition or other weapons beyond what already is required by federal law.

Rep. Gary Ackerman (NY) introduced H.R. 5718, to restrict the ability of a person whose FFL has been revoked, whose renewal application has been denied, or who has received a license revocation or renewal denial notice, to transfer business inventory firearms. Referred to Judiciary Committee.

Congresswoman Carolyn McCarthy (NY) introduced H.R. 5736, to require the owner or lawful possessor of a firearm to report its theft or loss. Referred to Judiciary Committee.

## CITIZEN ACTION PROJECT

The mid-term elections are less than three months away. Is your voter registration current? Address correct? Name changes since the last election? How about your family members? Co-workers? Shooting or hunting buddies? This is the time to make any changes or corrections necessary to ensure that YOUR VOTE COUNTS on November 2nd.

Voter registration in most of the United States is done at the county level, through the County Auditor or County Elections Office. Registration or updates may also be conducted online in most states. "Rock the vote" is a web site designed to assist younger or first time voters in registering, but the procedure provided works for everyone. You can visit their web site at [http://www.rockthevote.com/rtv\\_voter\\_registration.html?source=rtv.com-homegraphic](http://www.rockthevote.com/rtv_voter_registration.html?source=rtv.com-homegraphic)

Mail-in balloting is an available option in many states. Military members, merchant mariners and their families not only have the right to vote in their home state elections, they are encouraged to do so. Most military units have a "Voting Officer" designated who can assist in filling out and submitting a Federal Post Card Application that covers both registration and ensures you will receive a mail-in ballot. Absentee voter assistance is also available at <http://www.fvap.gov/>

Voting isn't just a right, it's a civic duty. We'll see you at the polls!

# ALITO NAMED CCRKBA GUN RIGHTS DEFENDER

United States Supreme Court Associate Justice Samuel Alito is the CCRKBA Gun Rights Defender of the Month for August.

In nominating Justice Alito for the CCRKBA Award, John M. Snyder, CCRKBA Public Affairs Director, noted that the jurist "wrote the Supreme Court's 5-4 June decision in the case of *McDonald v. City of Chicago*. In his rendering of the Supreme Court's position, Justice Alito presented a comprehensive discussion of the historical, legal and practical reasons for maintaining that the Fourteenth Amendment to the U.S. Constitution incorporates to state and local governments for individuals the protection of the individual right to keep and bear arms stipulated to the national government for individuals in the Second Amendment. This is a monumental achievement. Justice Alito is most deserving of this CCRKBA recognition and approbation."

When the Supreme Court ruled in *District of Columbia v. Heller* two years ago that the Second Amendment protects an individual right to keep and bear arms and declared the handgun ban in the District, a federal city, unconstitutional, the question remained as to whether or not states and local governments also were prevented from banning handguns.

Otis McDonald, several other individuals, the Second Amendment Foundation, and the Illinois State Rifle Association maintained that the *Heller* decision, if properly interpreted, meant that the Chicago handgun ban was unconstitutional. Chicago challenged that position. When the case got to the Seventh

Circuit Court of Appeals, that court agreed with the Chicago position. Then, McDonald and the others, represented by attorney Alan Gura, took the case up to the Supreme Court, which agreed to hear it, and came down in late June in favor of McDonald and the others.

The Supreme Court reversed the judgment of the Seventh Circuit, and remanded the case to the lower court.

Joining Justice Alito in that decision were Chief Justice John Roberts, and Associate Justices Antonin Scalia, Anthony Kennedy and Clarence Thomas.

Siding with the lower court were Associate Justices John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

After discussing at length the legal history of the right to keep and bear arms and why the Supreme Court recognized it as an individual right in *District of Columbia v. Heller*, Justice Alito wrote that the City of Chicago "arguments are at war with our central holding in *Heller*: that the Second Amendment protects a personal right to keep and bear arms for lawful purposes, most notably for self-defense within the home. Municipal respondents, in effect, ask us to treat the right recognized in *Heller* as a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees that we have held to be incorporated into the Due Process Clause.

"Municipal respondents' main argument is nothing less than a plea to disregard 50 years of incorporation precedent and return (presumably for this case only) to a bygone era. Municipal respondents submit that the Due Process Clause protects only those rights recognized by all temper-

ate and civilized governments, from a deep and universal sense of (their) justice. According to municipal respondents, if it is possible to imagine *any* civilized legal system that does not recognize a particular right, then the Due Process Clause does not make that binding on the States. Therefore, the municipal respondents continue, because such countries as England, Canada, Australia, Japan, Denmark, Finland, Luxembourg, and New Zealand either ban or severely limit handgun ownership, it must follow that no right to possess such weapons is protected by the Fourteenth Amendment."

Justice Alito stated that, "This line of argument is, of course, inconsistent with the long-established standard we apply in incorporation cases. And the present-day implications of municipal respondents' argument are stunning. For example, many of the rights that our Bill of Rights provides for persons accused of criminal offenses are virtually unique in our country. If our understanding of the right to a jury trial, the right against self-incrimination, and the right to counsel were necessary attributes of *any* civilized country, it would follow that the United States is the only civilized Nation in the world."

Born in 1950, Justice Alito was nominated to the Supreme Court by President George W. Bush and has served on the court since 2006.

Raised in Hamilton Township, New Jersey, and educated at Princeton University and Yale Law School, Alito served as U.S. Attorney for the District of New Jersey and a judge on the U.S. Court of Appeals for the Third Circuit before joining the Supreme Court.



# QUICK SHOTS

“A new Rasmussen poll showing a majority of Americans believe cities cannot ban handguns goes along with what we have been saying and what the Supreme Court has affirmed,” says CCRKBA Chairman Alan M. Gottlieb. Sixty-seven (67%) of Americans say city governments do not have the right to prevent citizens from owning handguns, according to the Rasmussen survey of 1,000 adults conducted June 28-29. Only 24 percent think cities can. In late June, the Supreme Court in *McDonald v. City of Chicago* struck down the Windy City’s handgun ban. Only 35 percent of all adults now say the United States needs stricter gun control laws, reports Rasmussen. Fifty-one percent (51%) disagree, while another 14 percent are not sure. According to a May 10-17 Harris Poll survey of 2,503 adults, large majorities of U.S. adults think Americans should be allowed to have rifles or shotguns (80%) and handguns (74%). Fifty percent (50%) think open carry and 45 percent think concealed carry should be allowed.



Days after the Supreme Court struck down Chicago’s handgun ban in the *McDonald* case, the Chicago City Council approved what city officials say is the strictest handgun ordinance in the nation, but not before lashing out at the Court’s ruling they contend makes the city more dangerous because it will put more guns in people’s hands, reported AOL News. The new ordinance bans gun shops in Chicago and prohibits gun owners from stepping outside

their homes, even onto their porches or in their garages, with a handgun.



In the United States, more guns correlate with less murder, notes Howard Nemerov of Pajamas Media. FBI data show that “America has been on a firearms buying spree since the end of 2005. Meanwhile, the FBI recently released preliminary 2009 crime data indicating that violent crime has been dropping at an accelerating rate since the end of 2006.” Between November 2005 and October 2009, nearly every month’s NICS checks were higher than the year before. For example, there were 12.4 percent more NICS requests in September 2009 than in September 2008. On an annual basis, each year’s total saw double-digit growth over the previous year beginning in 2006. NICS data mirror estimated sales data from BATFE, which also show double-digit growth beginning in 2006. After gun sales attained record growth in 2006, violent crime rates began to fall in 2007. As gun sales continued to register records each following year, violent crime rates decreased at an accelerating rate. After gun sales began to peak in 2006, the murder rate declined at an accelerating pace beginning in 2007, going from -0.7 percent to -3.9 percent in 2008, to -7.2 percent in 2009.



In Colton, California, a 79-year-old man shot and killed a burglar

climbing into his home, The *San Jose Mercury News* reported in late June. Colton police Detective Jack Morenberg said that Richard Contreras shot and killed 37-year-old Fidel Escanuelas. Contreras saw a car back into the driveway of his home, heard a noise in the bedroom, found Escanuelas climbing through a window and shot him once in the shoulder with a handgun. Escanuelas died at the scene. Two other perpetrators fled on foot but later were captured and arrested. Morenberg said he doesn’t anticipate that Contreras will face any charges, but the San Bernardino County District Attorney’s office will decide.



“Utah is a popular player in Americans’ efforts to legally obtain firearms,” Dan Frosch wrote last month in *The New York Times*. “The state is issuing what has become the permit of choice for many gun owners. Fifteen years after the Utah Legislature loosened rules on concealed firearm permits by waiving residency and other requirements, the state is increasingly attracting firearm owners from throughout the country. Nearly half of the 241,811 permits granted by the state are now held by nonresidents, according to the Utah Bureau of criminal identification, which administers the permits. In 2004, Utah received about 8,000 applications for the permits. Last year, 73,925 applications were submitted, with nearly 60 percent coming from nonresidents.”



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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.

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