

POINT BLANK

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



**May
2010
Volume XXXV No. 5**

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CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

(a non-profit corporation)

National Headquarters:
12500 N.E. Tenth Place
Bellevue, Washington 98005

Capitol Hill Office:
1250 Connecticut Ave, N.W. #200
Washington, D.C. 20036

CCRKBA Perspective:

GUN RIGHTS AND SUPREME COURT

United States Supreme Court Associate Justice John Paul Stevens has announced that he will be retiring at the end of the current term.

This long-expected news underscored the growing importance of the Court in defining the legal specifics regarding the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

Just two years ago, the Court ruled by 5-4, in *District of Columbia v. Heller*, that the Second Amendment, recognizes an individual right to keep and bear arms and protects it from infringement by the federal government.

It declared unconstitutional a District of Columbia statute banning private handgun possession. Justice Stevens voted with the minority.

Gun rights supporters would appreciate a Court make-up that ensures future compliance with the holding in *Heller*.

Some observers may argue that, since Justice Stevens has been an anti-gun vote on the High Court, the nomination and confirmation of a similarly-minded successor would have no appreciable impact on the rights of firearm owners.

That way of thinking, however, leaves out of definitive consideration the importance of insurance in this regard.

The right to keep and bear arms is too important to avoid any battle the outcome of which may have significance for its future maintenance.

The Supreme Court make-up is so important for the future maintenance of the constitutional right to keep and bear arms that the selection of a jurist for the position being vacated by Justice Stevens should invite the attention of all of America's 100 million owners of 200 million rifles, shotguns and handguns.

The Supreme Court is considering whether or not the Second Amendment is incorporated through the Fourteenth Amendment so as to protect an individual right to keep and bear arms against infringement by state and local governments. A decision in the case, *McDonald v. City of Chicago*, is expected next month.

The *Heller* and *McDonald* cases show that the importance of the personnel on the United States Supreme Court is of untold significance in protecting the right to keep and bear arms.

Getting jurists on that Court who likely will protect that right and keeping off it jurists who likely will undermine that right is well worth the battle in which we all well may become engaged.

SCHOLARS CRITICIZE UN GUN GRABBER STATISTICS

A group of Second Amendment scholars have prepared a comprehensive study calling into question the veracity of statistics cited by United Nations gun grabbers in their campaign to promote international gun control through a UN-sanctioned treaty on multi-nation gun control.

Readers of *Point Blank* probably realize that anti-gun promoters, frustrated by pro-gun organizations and America's 100 million law-abiding firearm owners in their efforts to emasculate the Second Amendment, seek to subvert United States citizens' gun rights through the back door, by promoting international agreements that will commit Washington to domestic anti-gun policies.

In their attempt to promote international gun control, the UN gun grabbers apparently have stooped to the intellectually abhorrent tactic of fudging statistics, or even of manufacturing them. At least that is the implication which may be drawn from a recent scholarly analysis of UN behavior in this regard.

David B. Kopel, Paul Gallant, and Joanne D. Eisen – all CCRKBA stalwarts – title their study, *How Many Global Deaths from Arms? Reasons to Question the 740,000 Factoid being used to Promote the Arms Trade Treaty.*

"Currently," the trio writes in an abstract of the study, "the United Nations is drafting an Arms Trade Treaty to impose strict controls on firearms and other weapons. In support of hasty adoption of the Treaty, a UN-related organization of Treaty supporters has produced a report claiming that armed violence is responsible for 740,000 deaths annually. This article carefully examines the claim. We find

that the claim is based on dubious assumptions, cherry-picking data, and mathematical legerdemain which is inexplicably being withheld from the public. The refusal to disclose the mathematical calculations used to create the 740,000 factoid is itself cause for serious suspicion; our own calculations indicate that the 740,000 figure is far too high.

"Further, while the report claims that 60 percent of homicides are perpetrated with firearms, our review of the data on which the report claimed to rely yields a 22 percent rate. The persons responsible for the report have refused to release their homicide calculations, or any other calculations. This article also shows how a narrow focus on restricting firearms ownership continues to distract international attention from life-saving, viable solutions. We propose some practical alternatives which have already saved lives in war-ravaged areas."

In the body of their paper, the full text of which is available at http://works.bepress.com/context/david_kopel/article/1034/type/native/viewcontent, Kopel, Gallant and Eisen note that the 740,000 figure has been splashed willy-nilly throughout the international media.

"The Geneva Declaration Organization," they report, "produced a report titled *The Global Burden of Armed Violence*, which estimated that 740,000 people per year die because of armed violence. The report was quickly deployed by international gun prohibition lobbies."

The scholars write that, "Accurate social science data can help in understanding the global problem of violent deaths. The Geneva Dec-

laration Organization, Small Arms Survey, and the United Nations, should release their data, calculations and methodology to the public. Concealing this information makes it impossible for other scholars to verify the accuracy of the claim that 740,000 persons annually are killed by armed violence...

"Until the data and calculations are made available to the public, policymakers and concerned global citizens should give no weight to the unsubstantiated factoid of 740,000 deaths."



POINT BLANK

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

Editor	John M. Snyder
Publisher	Alan M. Gottlieb
Managing Editors	J. H. Versnel Dave Workman
Associate Editors	Tom Gresham Merrill Jacobs Herb Stupp Peggy Tartaro Joe Waldron

POINT BLANK is published monthly by Citizens Committee for the Right to Keep and Bear Arms, Liberty Park, 12500 N.E. Tenth Place, Bellevue, Washington 98005.

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NATIONAL POLICE SURVEY SUPPORTS CCW RECIPROACITY

A recently completed opinion survey of American law enforcement command officers indicates support for national ccw reciprocity.

It even indicates that general recognition of ccw permits actually could help the police fight crime.

The survey shows also that chiefs of police and sheriffs in the United States support overwhelmingly the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

"This is striking news," said John M. Snyder, CCRKBA Public Affairs Director. "It contradicts the propaganda of anti-gun forces that the police object to gun ownership by civilians. In fact, the very opposite is the case."

Snyder said that, "For decades, gun-grabbing individuals and organizations have been trying to drive a public wedge between the Second Amendment community and the enforcement community. The truth is, though, that there is a natural affinity between the two. This survey demonstrates this in a most pointed way."

In its 22nd annual survey sent to chiefs and sheriffs in the United States, the National Association of Chiefs of Police (NACOP) posed a number of questions related to firearms law issues. The survey received a 13 percent response.

In this 2010 project, NACOP posed the question: "Would general recognition throughout the states of ccw permits issued by a state, in the way drivers' licenses are recognized throughout the country, facilitate the violent crime-fighting potential of the professional law enforcement community?"

Seventy-seven percent answered "YES," according to NACOP.

NACOP also asked the command officers if they thought "qualified, law-abiding armed citizens can be of assistance to the professional law enforcement community in promoting justice and reducing the incidence of violent criminal activity."

Seventy-one percent answered "YES."

In responses to other firearms-related questions, a whopping 95 percent said any law-abiding citizen should be able to purchase a firearm for sport or self-defense, and 98 percent said they support a statute allowing retired officers to carry a concealed firearm.

Snyder serves on the boards of NACOP and of the American Federation of Police and Concerned Citizens (AFP&CC), which support the American Police Hall of Fame and Museum (APHF) in Titusville, Florida.

In late March, APHF recognized Sgts. Mark Todd and Kimberly Munley of Fort Hood, Texas fame as Law Enforcement Officers of the Year.

Last November 5, Todd and Munley responded to a call at Fort Hood shortly after a suspect had fatally shot 13 people and wounded 31 others. They apprehended Army Major Nidal Malik Hasan, and likely prevented other deaths and injuries. They said they were within feet of the suspect when he was shot and captured.

Snyder, Chairman of the St. Gabriel Possenti Society, named for a saint who used handguns to rescue villagers of Isola del Gran Sasso, Italy from terrorizing marauders in 1860, presented Todd and Munley with Society honor medals.

He said the two police officers "exemplify the courage, commitment to justice, and skillful use of handguns so appreciated by the Society."



Fort Hood police heroes Sgts. Mark Todd and Kimberly Munley wore Possenti medals presented by John Snyder. (Photo by Ling Woo)

CCRKBA BLASTS COURT ANTI-GUN DECISION

Dave Workman, CCRKBA Communications Director, blasted a ruling by Judge Ricardo M. Urbina of the U.S. District Court for the District of Columbia which held that the anti-gun regulations adopted by the District after the U.S. Supreme Court struck down the D.C. handgun ban as unconstitutional are commensurate with that decision.

"The judge thinks that the right of owning a gun is subject to the same kind of bureaucratic red tape as the privilege of owning a car," wrote Workman.

Urbina ruled that the D.C. firearm ordinances enacted after the Supreme Court's 2008 *D.C. v. Heller* decision "permissibly regulate the exercise of the core Second Amendment right to use firearms for the purpose of self-defense in the home." Urbina dismissed a case brought by Dick Heller, the plaintiff who challenged the previous D.C. ordinance.

Heller challenged the District's firearms registration process and the ban on so-called assault weapons claiming they violated the Second Amendment.

Urbina said the Second Amendment right to bear arms "is not unlimited." He cited the decision in *D.C. v. Heller* written by Supreme Court Justice Antonin Scalia which declared an individual right to bear arms, but did not "cast doubt" on a range of firearms regulations.

The federal judge ruled that the D.C. handgun registration process is constitutional. It requires owners to submit fingerprints and allow police ballistics tests. He also upheld a ban on most semiautomatic pistols.

The District law provides that legally registered revolvers be kept

unloaded and either disassembled or secured with trigger locks, unless the owner reasonably fears immediate harm by an intruder in the home. Each registrant can register only one gun a month. Registrations expire after three years.

Urbina, as noted by *The National Law Journal*, said he was applying "intermediate scrutiny" to the new D.C. ordinances, and he concluded that, under that standard, the regulations were permissible because they serve the District's "important governmental interest" in public safety.

Urbina's decision apparently delighted the District's anti-gun establishment. D.C. Attorney General Peter Nickles wrote that, "I am gratified that the Court repeatedly recognized the reasonable and conscientious efforts that the Council and the Mayor made to strike the proper balance between addressing the legitimate rights of firearm owners, and taking every reasonable action to assure the safety of the District's residents and visitors."

Workman observed that Urbina's anti-gun decision "has wide-ranging implications because it compelled the anti-gun Brady Campaign to Prevent Gun Violence to reveal what it believes are 'common-sense gun laws.'

"The revelation came from Brady Campaign President Paul Helmke—the same guy who has been waging a war of social bigotry against Starbucks and its refusal to ban legally armed customers from its coffee shops—who issued a statement crowing about the case."

In the statement to which Workman referred, Helmke declared that, "Politicians and legislatures at all levels should stop using the Second Amendment as an excuse for inaction against gun violence. They should

follow the District's example and pass the strong, common sense gun laws Americans need and demand to protect their communities."

Workman stressed that Judge Urbina thinks the "right of owning a gun is subject to the same bureaucratic red tape as the privilege of owning a car. And Helmke of the Brady Campaign thinks this is just swell; a regulatory morass which a law-abiding citizen must wade simply to exercise a constitutionally-protected right.

"Equally disturbing is the fact that Judge Urbina believes that semiautomatic modern sporting rifles – the so-called 'assault rifles' that are banned under the District rules – are not in common use, so they are not subject to Second Amendment protection. He should try selling that astonishing concept to the millions of Americans who own and regularly use those firearms for hunting, competition, recreational shooting, predator and varmint control and protection of life and property."

In an editorial attack on the decision, *The Washington Times* pointed out that "requiring homeowners to keep guns locked and unloaded prevents the law-abiding from having accessible self-defense measures. This merely emboldens criminals to go after people in their homes with an increased chance of success.

"Criminologists and other researchers have found no evidence in the vast academic literature that assault weapon bans and magazine limitations at either the state or federal level had any effect on reducing violent crime."

Heller is appealing.

CALIFORNIA ANTI-GUNNERS SEEM TO KNOW NO BOUNDS

It seems to some observers that anti-gun extremists in California know no bounds.

Since California is the most populous state of the United States, ideas which originate there tend to have implications in other states and even in the nation as a whole.

One of the more extremist anti-gun California politicians is Mike Feuer, Chairman of the Assembly's Judiciary Committee.

Feuer has proposed that the state enact a new law which would require that residents register their shotguns and rifles or go to jail. He introduced legislation that would require law enforcement to "permanently keep" records of anyone who buys a gun from a dealer or an individual.

According to an existing law, California already stores information about handgun purchases.

Feuer, writes Declan McCullagh of

CBS News, "appears to have adopted an unusual approach to introducing his mandatory registration bill. He took an existing piece of legislation, AB 1810, that dealt with graffiti and vandalism, and replaced it with a completely new version with the same bill number."

Feuer already has received a degree of notoriety among California gun owners. He was a prime mover behind a bill, which Governor Arnold Schwarzenegger unfortunately signed into law, which requires that all new handguns include microstamping technology that can imprint serial numbers on spent ammunition casings.

When Feuer was a Los Angeles city councilman, he proposed that city residents be limited to the purchase of one gun a month.

Feuer's registration proposal comes as legal scholars are wrangling over

whether gun registration is constitutional or not.

Gene Hoffman, chairman of Cal-Guns Foundation, says that, "Even though the constitutionality of such a measure is a close call, it is a horrible public policy choice. Just as Canada is about to do away with their long gun registry after squandering one billion dollars, California wishes to attack law-abiding gun owners for firearms not used in crime."

According to a CBS News article, the Canadian parliament is backing away from the nation's gun registry.

McCullagh wrote that Ellen Boneparth, a spokesperson for the anti-gun California Brady Campaign Chapters, praised the Feuer proposal, saying it would "close a glaring loophole and ensure that all firearm records, not just handgun records, are maintained for law enforcement purposes."

CITIZEN ACTION PROJECT

Based on reported abuse by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, two duplicate bills were filed in Congress last year, S. 941 and H.R. 2296, titled the "Bureau of Alcohol, Tobacco, Firearms and Explosives Reform and Firearms Act of 2009." The bill accomplishes several important tasks: it establishes graduated, uniform penalties for violations of federal firearms regulations by federal firearm licensees (FFLs) based on the seriousness of the violation, it creates an appeals process for FFLs accused of violations and for individuals denied a federal firearms license, it sets forth uniform and fair procedures to be followed in inspection, examination and investigation of FFLs, and other reforms as well.

S. 941 was introduced by Senators Michael Crapo (R-ID) and Patrick Leahy (D-VT) and has a bi-partisan list of 24 co-sponsors. H.R. 2296, introduced by Representatives Steve King (R-IA) and Zack Space (D-OH), has a bi-partisan list of 217 co-sponsors, more than half of the U. S. House of Representatives. Both bills sit in their respective Judiciary Committees, not moving since they were filed.

Now is the time to contact your Senators and Representative. Ask them if they have signed on as a co-sponsor to S. 941 or H.R. 2296. If they have not, ask them to join, and promote the bills. If they are already co-sponsors, ask them to push leadership to take action on the bills. You can find your elected representatives in the "blue pages" in your telephone directory, at www.house.gov or www.senate.gov, and at the CCRKBA web site at <http://www.ccrkba.org>.

It's past time to get these bills moving and afford some protection to our federal firearms licensees.

JUSTICE COMMITTEE CHIEF NAMED CCRKBA DEFENDER

CCRKBA announces that Curt A. Levey, Executive Director of the Committee for Justice (CFJ), is the CCRKBA Gun Rights Defender of the Month for May.

In nominating Levey for the Award, John M. Snyder, CCRKBA Public Affairs Director, noted that, "as issues involving the individual Second Amendment civil right of law-abiding Americans to keep and bear arms more and more come before the courts, it is most important that the pro-gun community have within its ranks legal experts who understand the intrinsic connection between the political and legal manifestation of our gun rights. Levey is such an individual. Within this context, he has demonstrated in an articulate and forceful manner this understanding and the ways in which gun rights activists can proceed in a positive manner. He most certainly deserves a CCRKBA Gun Rights Defender of the Month Award."

Levey was a speaker at the national Gun Rights Policy Conference (GRPC), co-sponsored by CCRKBA and the Second Amendment Foundation last fall in St. Louis, Missouri.

In an article written around that time from CFJ in the Washington, D.C. area, Levey stated that, "With an estimated 90 million firearms owners in America and a huge margin of popular support for a right to keep and bear arms, the gun rights community is a potent political force. But until recently, it had little reason to care about judges. That's all changed with the arrival of a new Supreme Court justice and the Obama administration."

In referring to the *McDonald v.*

City of Chicago case, Levey wrote in regard to it that the U.S. Supreme Court "Justices agreed to decide whether the Second Amendment gives Americans a constitutional right to keep and bear arms that is enforceable against state and local gun laws. Coming on the heels of the High Court's landmark gun rights decision last year, and at a time when the retirement of two Supreme Court Justices appears imminent, the Chicago case reminds gun owners that their battlefield has shifted to the courts and hastens the profound change in the politics of judicial confirmations that began this summer."

Levey indicated that the nomination and confirmation of Justice Sonia Sotomayor to the Supreme Court was a development that stimulated gun owners into action on the judicial confirmation front. He recalled that in the *District of Columbia v. Heller* case, which took place before the Sotomayor event, the Justices, with regard to the fight over gun rights, "transferred the theater of war from legislatures to the judiciary. However, *Heller* left two huge questions unaddressed – the all-important standard for evaluating the constitutionality of gun regulations, and the Second Amendment's application to state and local laws. Moreover, the Supreme Court's 5-4 split means that if President Obama replaces one of the five center-right Justices, *Heller* itself could be gutted or even overturned.

"As with other ideologically charged issues in the hands of the courts, the future of gun rights depends as much on the composition of the federal bench as on the strength of the legal arguments. That's why I and others

predicted that gun owners – their fate tied to the selection of judges in the wake of *Heller* – would emerge as a potent part of the coalition advocating against liberal judicial activism and for judges who strictly interpret the Constitution."

Levey stated that the confirmation battle over Sotomayor, whose record is not acceptable from a gun rights perspective, even though she was confirmed, galvanized the gun rights movement over a court nomination in a way which heretofore had not been the case.

"The political dynamics of nominating and confirming judges has been forever altered," Levey wrote. "Abortion rears its head in virtually every Supreme Court or hotly contested lower court confirmation contest. Gun rights will now do the same, especially as the explosion of Second Amendment litigation guarantees that more and more judicial nominees will have relevant rulings, briefs, articles and speeches to scrutinize. Abortion opponents have been the most influential part of the coalition opposing judicial activism. But the new, gun-owning gorilla in the room matches the pro-life movement in numbers and surpasses it in ability to influence moderate Republican and Democratic senators."

After graduating from Harvard Law School with honors and clerking for the U.S. Court of Appeals for the Sixth Circuit, Curt served as Director of Legal and Public Affairs at the Center for Individual Rights, a public interest law firm in Washington, D.C. Curt also has an M.S. and B.A. in computer science from Brown University.



QUICK SHOTS

“From its beginnings in the 1980s, the ‘right to carry’ movement has succeeded in boosting the number of licensed concealed gun carriers from fewer than one million to a record six million today, according to estimates from gun rights groups that are supported by msnbc.com’s research,” writes msnbc.com senior news editor Mike Stuckey. “In a little more than 20 years, the concealed carry movement has won changes in scores of laws across the nation to boost from nine to 37 the number of ‘shall issue’ states in which civilians must be given concealed carry permits, known as CCWs, generally if they are 21 or older, do not have a criminal record and are willing to submit to fingerprinting and a background check. In two more states, Alaska and Vermont, most adults may carry concealed handguns without obtaining permits.” Stuckey reports CCRKBA Chairman Alan M. Gottlieb “said the movement has been a grass-roots drive.”

“American women are buying guns and taking aim on firing ranges in record numbers, according to a recent study and interviews with gun shop owners,” report Kristin Volk and Joseph Weber in The Washington Times. “A 2009 study found 70 percent of shop owners reported more female buyers. The study, conducted by the National Shooting Sports Foundation and Southwick Associates, also found 80 percent of the female gun buyers who responded said they purchased a gun for self-defense, followed by

35 percent for target practice and 24 percent for hunting. Women and shop owners interviewed by The Washington Times offered similar, narrow-ranging explanations for the increases – largely self-defense and concerns about the possibility President Obama would further restrict gun ownership...Despite such observations, a recent National Opinion Research Center study shows the demographics of U.S. gun ownership have changed little during the past 29 years. Women owned roughly 10.5 percent of this country’s guns in 1980, compared to 10.8 percent of the more than 200 million guns in the U.S. in 2008.”

“Mississippi Gov. Haley Barbour is stressing the federal government has no right to require Americans to purchase healthcare plans – much as it has no right to force them to buy guns,” reports Tony Romm in The Hill, a Capitol Hill newspaper in Washington, D.C. “Barbour made the analogy during an appearance on ABC’s ‘This Week’ on Sunday, when asked the constitutionality of the new healthcare law’s individual mandate. His state of Mississippi is one of many that plan in the coming months to file a lawsuit against the federal government, claiming the White House has drastically overstepped its legal bounds. ‘I do not believe the United States government has a right...the authority or power to force us to purchase health insurance any more than, in the name of homeland security, they

can force every American to have to buy a gun,’ the governor said.”

In Florida, Gov. Charlie Crist signed into law a measure that prohibits lawmakers who are seeking money to close a budget deficit from tapping into a trust fund which covers the costs of the Sunshine State’s concealed weapons permitting program. He also signed into law a bill to stop adoption agencies from registering firearms of prospective adoptive parents.

“A Turley, Oklahoma homeowner used his handgun to stop a burglar who was attacking with a sword and a gun,” reports Eric Puryear of www.examiner.com. “Police say that a couple, including a man who had a concealed carry permit, returned to their home on the 6000 block of North Owasso, at approximately 10:00 p.m., to hear an unexpected noise coming from their bedroom. Upon investigating, the homeowner reportedly found a burglar, who was armed with a sword and a handgun, in the master bedroom. The burglar is said to have advanced on the homeowner, despite being warned to stop, at which point the homeowner fired one shot in self-defense. Injured, the burglar fell to the ground but then tried to aim a handgun at the homeowner, at which point the homeowner fired again in self-defense, fatally wounding the burglar, according to police. Neither of the home’s occupants was harmed.”



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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 or www.ccrkba.org for updates.

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