

POINT BLANK

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

ATF DIRECTOR RESIGNS AFTER CCRKBA CALL



April 2015

Volume XXXX No. 4

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CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

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Nine days after the Citizens Committee for the Right to Keep and Bear Arms called for his resignation, B. Todd Jones announced he was stepping down as director of the embattled Bureau of Alcohol, Tobacco, Firearms and Explosives.

Jones' resignation became effective March 31.

CCRKBA Chairman Alan Gottlieb, who had expressed clear disappointment in Jones' performance, culminating in the "colossal blunder" of the proposed ammunition ban, told Point Blank that he is not confident the departure will change things at the embattled agency.

"This gives ATF another chance to clean up its act," Gottlieb said, reacting to Jones' announcement. "However, based on their past behavior, I still don't have confidence that they will now suddenly improve their performance. That remains to be seen, and Congress needs to keep the agency on a tight leash."

The agency took a lot of heat from angry gun owners earlier in March over the recent proposal to ban a popular type of ammunition for modern sport-utility rifles known as the M855.

Jones was appointed director of the scandal-plagued agency in 2013. CCRKBA called for his resignation or dismissal in the wake of a major debacle over a proposal to ban a popular type of ammunition for .223-caliber modern sporting rifles.

Jones became acting director of the agency in August 2011 at the height of the Fast and Furious scandal. A series of hearings before the House Committee on Oversight and Government Reform revealed a horribly mismanaged operation resulting in the trafficking of an estimated 2,000 guns to Mexican criminal elements.

The Oversight Committee had to sue Attorney General Eric Holder over documents he withheld from the investigation. Those documents were protected by President Barack Obama's declaration of executive privilege, but a judge ultimately ordered the Justice Department to provide Judicial Watch – which had filed its own Freedom of Information Act lawsuit – a list of Fast and Furious documents, which is called a "Vaughn Index."

Perhaps the most significant fallout from that investigation was that Holder, the first African-American attorney general in the nation's history, became the first attorney general ever held in contempt of Congress for his refusal to turn over the thousands of documents sought by the committee.

When Jones succeeded Acting Director Ken Melson in August 2011, there were hopes that he would punish those responsible for Fast and Furious.

(Continued on page 2)

OVERSIGHT AND QUALIFIED, LEADERSHIP NEEDED AT ATF

Continued from page 1

But that never happened. Some people retired or resigned, others were reassigned. And there were other problems on Jones' watch.

Most notable of those troubles was the Operation Fearless scandal in Milwaukee that was exposed by the Journal-Sentinel newspaper. That operation resulted in what the newspaper called "a string of mistakes and failures, including an ATF military-style machine gun landing on the streets of Milwaukee and the agency having \$35,000 in merchandise stolen from its store..."

The newspaper found similar operations had run in other cities, including Portland, Ore. The newspaper investigation exposed what many considered "rogue conduct" and last year, Wisconsin Congressman Jim Sensenbrenner introduced legislation to dissolve ATF.

Prior to his departure, there had been rumors that Jones was leaving. Chris Chiafullo, national coordinating counsel for FFL Guard, described as "the Gold Standard in Legal Services and Compliance Solutions" serving more than 500 licensed firearms dealers, blogged

about an unconfirmed rumor that Jones was leaving. In a telephone conversation with Chiafullo, he told Point Blank that this is not a surprise.

"I think that no matter what they said, he was always a temporary head (of the agency)," Chiafullo said.

He said the man coming in to replace Jones as acting director, Thomas E. Brandon, is "very amenable to working with federal firearms licensees." Brandon has been the ATF deputy director under Jones, and has been with the agency more than 26 years.

Brandon was transferred from Detroit to the Phoenix field office following the Fast and Furious revelations. In Phoenix, he was the special agent in charge of a field office that was under a microscope.

When Gottlieb called for Jones' resignation, he noted in a press release that, "When Jones took over the agency, first as an acting director in 2011 and then became the permanent director in 2013, the public, and especially the Second Amendment community, had high hopes that he would straighten out the ATF. The ammunition ban blunder clearly shows that he hasn't."

In a statement following Jones' announcement, Gottlieb said, "Even before Jones took over as the first 'permanent' director the ATF has had in more than a decade, the agency had a questionable reputation for what appeared to be rogue tactics. When Jones was brought on board as acting director in 2011, and then appointed to the post officially in 2013, everybody had very high hopes that he would turn things around.

"We hope that under new leadership," he added, "ATF can finally remember what it's job is supposed to be: going after criminals instead of creating them."



POINT BLANK

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

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ILLINOIS STREAMLINES FOID PROCESS

Prospective gun owners in Illinois now have a "streamlined" process for obtaining a Firearm Owner Identification Card that allows people to apply on-line or – in the case of applicants under age 21 or from the Amish community – to fill out an alternative paper application.

According to Guns.com, there have also been changes to the login process for concealed carry licenses and FOID applications. Henceforth, applicants will no longer be required to have an Illinois digital ID that is obtained from the Department of Central Management Services.

Federal firearms license dealers are now required to register with the Illinois State Police. They will now be able to use a web-based portal to conduct background checks. Each transaction will cost \$2.

MORE INT'L GUN CONTROL ON AGENDA IN MEXICO CITY

Proponents and participants in the United Nations Arms Trade Treaty – the United States Senate has not yet ratified the treaty even though the Obama administration signed it – will gather in Mexico City in August for the first “conference of state parties.”

According to Gen. Allen Youngman (USA-Ret.), executive director of the Defense Small Arms Advisory Council (DSAAC), this conference will involve representatives from the 60-some nations who have signed and ratified the treaty. No country that is a major small arms producer has ratified the treaty, including the United States, Russia or China. Whether that renders the treaty toothless is debatable, but the fact that it exists is one that concerns many firearms owners and Second Amendment activists.

DSAAC involves most of the American manufacturers of military small arms. It is essentially a trade organization, not a Second Amendment gun rights group. Youngman served as its first director.

Youngman told *Point Blank* in an

exclusive interview, that the inaugural meeting of the participating nations will determine where their world headquarters will be located. Possible sites include Vienna or Geneva.

DSAAC involvement has been important over the past few years, as this industry group has been able to remind delegates at various meetings that the treaty must address constitutional concerns in America, specifically the Second Amendment.

As described by Youngman, the final treaty that has been adopted does not contain any text addressing or protecting civilian firearms ownership.

Between now and the August session, two more preparatory meetings are slated, Youngman said. One is scheduled in Vienna and another is slated in July, in Geneva.

CCRKBA was among the groups vocally opposing the treaty, which members of Congress have essentially declared DOA because they are concerned about infringements on the Second Amendment.

Youngman, who retired from the

military ten years ago, told *Point Blank* that, while there is “nothing specific in the text of the Arms Trade Treaty, there is nothing that helps it, either.” He used the term “protective ambiguity” to describe the current situation.

However, he acknowledged that there is a concern among Second Amendment groups – which DSAAC does not represent – that “some future administration might use this as a reason to come after gun rights.”

DSAAC’s role is advisory rather than advocacy. According to Youngman, his group has offered suggestions about language in the treaty, explaining to foreign participants about U.S. concerns. He calls DSAAC “a technical organization.”

If a majority of nations do not sign on, and the major arms manufacturing nations don’t ratify, it raises the question of just how meaningful the arms trade treaty will ultimately be. Youngman said the participating countries will begin implementing the treaty in their countries, and that could disrupt trade.

JUDGE DENIES STAY IN CCRKBA CASE

A federal district judge in Texas has denied a government motion for a 60-day stay in a case involving interstate handgun transfers in which the judge applied strict scrutiny to determine whether a ban on such transfers meets constitutional muster.

The case, known as *Mance v. Holder*, was filed by CCRKBA in July 2014 and appears to be on a fast track. The initial ruling came in February from U.S. District Judge Reed O’Connor, who found that “the federal interstate handgun transfer

ban is unconstitutional on its face.”

The government had asked for the stay in order to decide whether to file an appeal. But Judge O’Connor ruled that a stay is not warranted because the government could offer no other reasons for its request other than the court’s “inherent authority to manage its docket.”

That seemed questionable at best to CCRKBA Chairman Alan Gottlieb, who expressed delight that Judge O’Connor quickly turned thumbs down on the stay request.

“We’re delighted that Judge O’Connor is not going to simply allow the government to stall this ruling,” Gottlieb said. “This case could have significant ramifications, and allowing a stay so the government essentially claims it will be thinking about whether to appeal obviously was not warranted.”

CCRKBA and the individual plaintiffs are represented by Virginia attorney Alan Gura and Texas attorney William B. “Bill” Mateja of Fish & Richardson in Dallas.

CCRKBA BLASTS 'COLOSSAL BLUNDER' OF AMMO BAN PROPOSAL

Following an overwhelmingly negative public reaction to a proposal by the Bureau of Alcohol, Tobacco, Firearms and Explosives that would have banned popular M855 ammunition for 5.56mm modern sport-utility rifles, the agency backed off, but activists should remain wary because there is strong indication that the scheme will be back.

It was a "colossal blunder" as defined by Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms, who called for the resignation or firing of ATF Director B. Todd Jones. The agency, Gottlieb said, ignored the fact that the round was exempted from such regulation and the process for making the proposed change may have violated the Administrative Procedures Act.

"I've put a lot more thought into this than the ATF apparently did when it suggested that the M855 ammunition should be re-classified," Gottlieb said when he called for Jones to step down. "But when Jones took over the agency, first as an acting director in 2011 and then became the permanent director in 2013, the public, and especially the Second Amendment community, had high hopes that he would straighten out the ATF. This ammunition ban blunder clearly shows that he hasn't."

Adding to the fiasco was the revelation that language exempting M855 ammunition from the armor piercing definition had disappeared from the latest edition of federal regulations. Gottlieb noted that while Jones may not have been personally involved, this gaffe "happened on his watch, and the timing is suspicious at the very least."

"Over the years," he observed, "ATF has earned the reputation of being a rogue agency. Anti-gunners defended the agency through the Fast and Furious scandal by blaming the lack of a permanent director. When Jones was permanently appointed, there was at least a presumption that things would change. But nobody was fired over Fast and Furious, much less prosecuted."

"Now ATF tried to ban ammunition that was specifically identified in regulations as exempt from definition as armor-piercing at the same time the exemption vanished from the regulations pamphlet," Gottlieb said. "You cannot run a law-enforcement agency by criminalizing legal products, or by deliberately attempting to change policies that only affect law-abiding citizens."

"This has happened under Jones' administration," he said, "and it cannot be allowed to continue. If the only way to shake ATF back to reality is to fire the boss, then B. Todd Jones has to go."

This came only days after CCRKBA sent a scathing letter to Jones opposing the proposed ban on M855 ammunition.

In that letter, Gottlieb told Jones that after hearing from thousands of members, he could not blame them for being "concerned" and "furious" over the proposal, first made public on Feb. 13. If adopted, the ban would affect perhaps the most popular commercially-available ammunition for modern semi-auto rifles owned by millions of American citizens.

"The ammunition in question, M855 ball for the 5.56mm/.223 Remington modern sport-utility rifle, provides an affordable option for AR-15 owners to practice, compete, hunt varmints and control predators," Gottlieb wrote. "The argument that there

is no 'sporting purpose' for this ammunition is at best specious. It is the most popular ammunition for the most popular rifle in America today.

"There does not appear to have ever been a single use of this ammunition in one of the handguns chambered for the .223 Remington to injure or kill a law enforcement officer wearing soft body armor," he added. "This proposed ban on the M855 seems like an answer to a problem that does not exist."

Gottlieb cautioned Jones that CCRKBA members "are seriously concerned that such an administrative maneuver could easily be used again to ban other types of common rifle ammunition, all of which we both know is capable of penetrating Kevlar and similar bullet resistant vests, which were designed to stop handgun bullets." He assured Jones that CCRKBA members "have a long tradition of support for law enforcement."

"However," he concluded, "I must concur with those members that the proposal appears to be a camel's-nose-under-the-tent effort that, if successful, could easily be abused to place even more restrictions on other rifle ammunition in the future."

SAVE THE

September 24, 2015

**2015
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Phoenix**

STATE LEGISLATURES CONTINUE WORKING

All over the country State legislatures are continuing their work across the country, and as *Point Blank* reported last month, there is a lot of gun-related legislation on the table.

In Utah, the state's Senate has approved a "constitutional carry" bill that would allow armed citizens to carry their firearms concealed without a permit. According to the Salt Lake Tribune, the bill passed 21-6 in a vote March 8. The legislation, SB 256, was being reviewed by the House, but it was facing opposition and Gov. Gary Herbert has indicated he would veto the bill, the newspaper reported.

In Tennessee, lawmakers there are considering a number of gun-related bills. According to the Nashville Tennessean, a House subcommittee turned back three pro-gun bills – one dealing with open carry, the others dealing with firearms sales to concealed carry holders and the ability of gun owners to carry their guns on property used by schools. The bill involving open carry was voted down, while the other two died due to lack of support to discuss the measures.

Many other gun bills are still up for discussion in Tennessee including a constitutional carry measure similar to the one in Utah.

In Montana, a pair of measures are striking up interest. One, SB 122, would allow for tax breaks to encourage ammunition manufacturers to move to Big Sky Country, and the other, SB 143, would allow for concealed carry of firearms on college and university campuses in the state, such as the University of Montana in Missoula, or Montana State University's campuses in Bozeman and Billings.

According to the Helena Independent-Record, the state House's judiciary committee recently held a hearing on SB 143, and it attracted a lot of debate, with university administrators among those expressing opposition, while gun owners – including one member of the Montana Tech faculty – indicated support. The newspaper reported no vote was taken, so it's unclear what will happen going forward. Gov. Steve Bullock previously vetoed a similar measure, according to the newspaper.

Meanwhile, SB 122 was heard in a separate House committee recently, according to KXLH-TV, and the bill has already passed the Senate, so if it passes the House, it would then go to Gov. Bullock for his signature.

Arkansas lawmakers are looking to make it easier for gun owners to carry their sidearms while they vote in elections. According to the Associated Press, the state House voted in early March overwhelmingly to pass a proposal that would allow state concealed carry holders into certain polling places on election day. Some locations, such as schools and courthouses, would still be off limits to firearms under the proposal.

The AP reports the measure advanced to the state's Senate, where

it is now up for discussion.

And in Arizona, discussion continues on a bill that, if passed and signed by Gov. Doug Ducey, would allow concealed carry permit holders in that state to carry guns inside public buildings. The Arizona Republic reported the bill, HB 2320, passed the House and is now in the Senate. According to the newspaper, former Gov. Jan Brewer vetoed this proposal three times during her tenure.

There are, the Republic reported, opt-out provisions for local governments in the bill, but they would have to provide metal detectors and armed guards at the buildings. The bill still would not allow guns inside schools or college campuses, state hospitals and public events where liquor is being sold.

It's not all about firearms, either. Knife Rights, which was created with support from CCRKBA, is now pushing for adoption of the Texas Comprehensive Knife Ban repeal. If passed, HB 3884 would repeal the ban on so-called "illegal knives" listed in Texas statute. Sponsored by State Rep. Harold Dutton (D-5th), it would comprehensively overhaul Lone Star State knife law, along with HB 905, sponsored by Rep. John Frullo (R-84th).

Knife Rights has been successful in changing laws in Kansas, Missouri, Tennessee, Texas, Indiana, Alaska and Washington.

These bills are only a few of the measures being considered around the country, and the Citizens' Committee for the Right to Keep and Bear Arms will do its best to keep you updated on the progress of these proposals.

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EXPERIENCE PAYS OFF FOR TEXAS ATTORNEY

Thirteen years of experience with the Department of Justice appears to be paying off for Second Amendment advocates in the form of Texas attorney Bill Mateja, a principal in the Dallas office of Fish & Richardson, P.C.

He is the “boots on the ground” legal counsel in the case of *Mance v. Holder*, the case brought by the Citizens Committee for the Right to Keep and Bear Arms that found the ban on interstate handgun sales to be unconstitutional. He’s also the CCRKBA April 2015 Defender of the Month.

Mateja was teamed with attorney Alan Gura, who won the Second Amendment Foundation’s celebrated case of *McDonald v. City of Chicago*, extending the Second

Amendment to the states via the 14th Amendment.

William B. “Bill” Mateja has more than a quarter-century of legal experience. During his time with the Justice Department, he was senior counsel to U.S. Deputy Attorneys General Larry Thompson and James Comey in Washington, D.C., and he also worked for the department in Texas. He was the justice Department’s special counsel for Health Care fraud and also worked on the President’s Corporate Fraud Task Force.

Now in private practice, Mateja works for clients with a variety of legal issues from the local to the federal level. “D” magazine named Mateja as one of the “Best Lawyers in Dallas” in 2008, 2009, 2011 and 2012, and he was also included in

the 2011 edition of The Best Lawyers in America® in the practice area of Commercial Litigation, according to his biography.

One cannot gauge the value of this kind of experience until one sees it at work. The *Mance* case, according to CCRKBA Chairman Alan Gottlieb, could have far-reaching implications.

“Our lawsuit strikes at the heart of a debate that has been ongoing for several years, since the creation of the National Instant Check System (NICS),” Gottlieb said. “With the advent of the NICS system, it makes no sense to perpetuate a ban on interstate transfers of handguns.”

CCRKBA’s case is financially supported by SAE, and is but one of the legal actions against gun laws that Gura has handled for the foundation.

RASSMUSSEN CONFIRMS WHAT CCRKBA HAS SUGGESTED ALL ALONG

A recent Rasmussen Report on “What America Thinks” focused on gun control, noting that 74 percent of Americans are convinced the U.S. Constitution affirms the right of individual citizens to own firearms.

While it may be disappointing that nearly a fourth of the people apparently do not believe that the amendment guarantees an individual civil right, the question has been settled twice in recent years by the U.S. Supreme Court in two important rulings, the 2008 Heller case and the 2010 McDonald decision.

According to Rasmussen, more than half of likely voters are opposed to stricter gun control, while they support the enforcement of existing

laws. This pattern has not changed much except in the immediate wake of a high-profile shooting incident, such as Sandy Hook or Virginia Tech.

“In surveys from early 2006 through late 2012, at least half of voters opposed stricter gun control,” Rasmussen detailed. “That opposition fell into the low 40s after the Newtown shooting, for example, but rose above 50 percent by early last year. Voters opposed to more gun control, though, have all along been much more supportive of enforcing the laws that are already on the books.”

Rasmussen, in a special report circulated in mid-March, further explained that 62 percent of Americans “don’t trust the government to enforce gun laws fairly,” which might at

least partly explain the continued resistance to additional gun control measures. Also, Rasmussen reported, “very few believe it is possible in a free society like ours to make schools and other public places completely safe from mass shootings.”

“Fifty-three percent of Americans, in fact, would feel safer if their child’s school had an armed security guard, and just 25 percent disagree,” the Rasmussen group said.

Rasmussen also said that most voters believe more emphasis should be placed on identifying and treating people with mental illness issues. They believe that approach could accomplish far more in the effort to reduce mass shootings than by adding more gun control laws.



QUICK SHOTS

A trio of thugs in Detroit, MI got more than they wanted when they attempted to break into a residence on the city's east side.

According to WDIV-TV, police were called to the residence after the homeowner, a female, shot at the three men who tried to break in. One was wounded and taken to the hospital, while the other two were still being sought.

One neighbor told the TV station this is a recurring problem in the neighborhood and praised the homeowner for her actions.



Most people are familiar with vending machines for such things as chips, candy, and soda. But did you know there were vending machines that dispensed ammunition?

According to BeaverCountian.com, a local news website in Beaver County, the vending machine is located at the Beaver Valley Rifle and Pistol Club in Brighton Township. They were made aware of this interesting item at the local gun range by several members who questioned the wisdom of selling ammunition in such a fashion.



A recently passed gun law in Michigan means changes in one county when it comes to how to obtain a concealed weapons permit.

According to MILive.com, Genesee County police and the county clerk will now be responsible for issuing permits as a result of the

law, signed by the state's governor. Among the provisions in the bill is that county gun boards, such as one that existed in Genesee County, be dissolved.



Second Amendment activists in one North Carolina county recently put a quick end to proposed local anti-gun regulations.

The *Rockingham News-Record* reported the Rockingham county board of commissioners Chairman Keith Mabe had withdrawn a proposal that would have enacted restrictions on the use of firearms in the county, after word was leaked and residents made their voices heard. With the county being very pro-gun, with two major firearms manufacturers among its many employers, it was expected, according to the paper, the negative reaction to the proposal would be swift and fierce.



California may have some of the nation's toughest gun laws, but it seems to not be stopping people from purchasing handguns in the Golden State.

The *Sacramento Bee*, citing state statistics, reports that firearms dealers in the state sold 510,000 handguns during 2014, and that was more than double the number sold in 2013. The sales numbers, according to the website, set a new state record, eclipsing one that had been set over 20 years ago.

In addition, state figures show

that homicides involving guns are at their lowest levels in over 20 years, and the numbers of accidental deaths with firearms are also down.



According to data released by the Tennessee Department of Safety and Homeland Security, 503,629 permits are currently active. On a county-by-county basis, the top four counties in terms of permit numbers are led by Shelby County, which includes Memphis. There, nearly 58,000 residents are licensed to carry concealed. The second-highest total of permits lies in Knox County, which includes Knoxville. In that area, a little over 32,000 people have CCW permits.



Taxpayers in one Florida county will be on the hook for improvements to a local gun range.

According to the *Sarasota Herald-Tribune*, Sarasota County commissioners approved spending public dollars for the addition of safety baffles at the county-owned range in the town of Nokomis. The newspaper reported the baffles could cost the county over a half a million dollars to install, and that tourist taxes will help pay for the improvements.

County parks officials requested the safety improvements after commissioners recently approved a rezone at the park which houses the range that will allow it to put in a new sporting clays course.



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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, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, and state and local activity. We'll preview the 2016 elections, discuss state initiative battles and analyze Right to Keep and Bear Arms court cases.

The full roster of GRPC 2015 speakers has not yet been set. Past speakers have included: Alan Gottlieb, Joseph Tartaro, Alan Gura, Tom Gresham, Larry Elder, John Lott, Eugene Volokh, Sandy Froman, Massad Ayoob, Mark Walters, Emily Miller, Rep. Bob Barr, Rick Patterson, Gene Hoffman, Tim Schmidt and many

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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. To register for the special room rate of \$109 per night, call the Sheraton Crescent Hotel at 1-800-325-3535 and mention GRPC. A tentative agenda will be sent in early September.

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