

POINT BLANK

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

CCRKBA OFFICIALS IN FEDERAL LAWSUIT AGAINST WA GUN CONTROL LAW



**February
2015**

Volume XXXX No. 2

IN THIS ISSUE

Federal Lawsuit Filed	1-2
Citizens Action Project	3
Houston Man A Hero	3
Travel Alert	4
CCRKBA Supports Repeal	4
Texas Women Arming	4
More Bloomberg Misstatements	5
IL CCW: A Success	5
Defender of the Month	6
OR Teacher: No More 2A Rights	6
Quick Shots	7

CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

(A non-profit corporation)

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When the Second Amendment Foundation filed a federal lawsuit in December challenging provisions of Initiative 594, the 18-page gun control measure passed by Washington State voters in November, two top officials with the Citizens Committee for the Right to Keep and Bear Arms were among the plaintiffs.

CCRKBA Chairman Alan Gottlieb and Legislative Director Joe Waldron are among the individual plaintiffs, along with Gottlieb's son, Andrew, and Gene Hoffman, chairman of the Calguns Foundation in California. Waldron, CCRKBA's former executive director, travels to the State frequently, and because of the new law, he cannot borrow a handgun for personal protection while in the state.

Such a loan would constitute a "transfer" under the new law, and that would have to be done through a federally licensed firearms dealer. An FFL cannot transfer a handgun to a resident of another state under federal statute.

The same problem plagues the younger Gottlieb and Hoffman. None of these plaintiffs is willing to bring their own handgun to Washington, because they fear that when they check the gun in at an airport, inside their luggage, it is also a "transfer" to an agent with the Transportation Security Administration when the bags are checked.

The Bellevue-based gun rights organization is joined by the Northwest School of Safety, Puget Sound Security, Inc., the Pacific Northwest Association of Investors, Firearms Academy of Seattle, and six individual citizens, plus the Gottlieb Family Trust. They are represented by Seattle attorneys Steven Fogg and David Edwards, and Bellevue attorney Miko Tempski.

Named as defendants, in their official capacities, are Attorney General Bob Ferguson and Washington State Patrol Chief John Batiste.

Among the allegations in the 31-page complaint are that language in I-594 is "so vague that a person of ordinary intelligence cannot understand its scope, which renders it subject to arbitrary enforcement."

"For example," the complaint asserts, "it is unclear whether I-594 applies in situations involving the following types of activity: family members' common use of a firearm stored in the family's gun-safe, where no delivery takes place to another person; employees' common use of a firearm stored in a company's gun-safe, where no delivery takes place to another person; the intended delivery of a firearm to a common carrier, such as FedEx, for the purposes of shipping (or) the intended delivery of a firearm to a storage

(Continued on page 2)

FEDERAL LAWSUIT AGAINST WA GUN CONTROL LAW FILED

Continued from page 1

facility, such as a safety deposit box..." The complaint cites other examples as well.

"The agencies of the State of Washington," the complaint adds, "have so far either disclaimed the responsibility to interpret I-594 or provided interpretations that are so far removed from the language as to be useless." This apparently applies to the Department of Licensing, and possibly to the Department of Fish and Wildlife, which sent an advisory to its volunteer hunter education instructors on Dec. 2 regarding transfers of firearms during hunter safety courses.

"The guidance...stated, in part, that transfers between a Department hunter education instructor and a student are exempt because the instructor is an employee of the Department, which is in turn exempt as a law enforcement agency," the complaint states. "The guidance goes on to note, however, that transfers between students would not be exempt, but that instructors could avoid I-594 by engaging in a straw-man transfer by taking the firearm from one student and handing it to another."

"The broad and poorly constructed restrictions in I-594 render the

enactment unconstitutional," the lawsuit contends. So far, the complaint notes, the plaintiffs are not aware of any arrests, citations or prosecutions since the law took effect.

One important notation on Page 17 of the lawsuit is that in Washington state, "a license is not required to openly carry a firearm." There is a growing contingent of open carry activists in the state, many of whom demonstrated against the initiative earlier this month in Olympia and Spokane.

Some Second Amendment activists believe inaction so far by state agencies is deliberate, so as to create the public impression that the new law is not as troubling as its critics alleged during the campaign. It might also head off any efforts in the upcoming legislative session to weaken the measure.

"We're taking action against a poorly-written and unconstitutionally vague measure that criminalizes activities that are perfectly legal anywhere else in the country, thus striking at the very heart of a constitutionally-protected, fundamental civil right," Gottlieb said.

Gottlieb was one of the main speakers at a "594: Rally for Your

Rights" gathering on the Capitol steps on Jan. 15. Other speakers included State Sen. Pam Roach (R-31st), State Rep. Brian Blake (D-19th), Rep. Liz Pike (R-18th) Rep. Lynda Wilson (R-17th), all pro-Second Amendment state lawmakers.

"Like it or not," Gottlieb—a Bellevue resident—observed, "gun owners have rights, too. We will not be silenced by elitist billionaires, nor will we quietly accept being treated as second-class citizens because we exercise our Second Amendment rights. I hope gun owners join us in Olympia to Rally for our Rights."



POINT BLANK

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

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SAVE THE DATE: September 24, 25 and 26, 2015

2015 Gun Rights Policy Conference

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. To register for GRPC see information on last page.

CITIZENS ACTION PROJECT: INITIATIVES AND RKBA BATTLE

Twenty-seven states have some form of initiative or referenda provision, where a proposed law may be put to a direct vote of the voters.

How does the initiative process work? Signatures must be gathered from a certain number of registered voters in the state.

Signatures are turned over to the state agency that controls elections for review and validation. Once certified, the initiative is placed on the ballot.

If the voters pass the initiative, in most cases it becomes law. In some cases, it then goes to the state legislature for possible amendment.

Following Congress' failure to pass the Manchin-Toomey background check bill in 2013, Bloomberg turned to the states. Last year, Washington was his test case.

In November I-594 went to the people, who passed it with 59% of the vote, according to the Secretary of State's office. *Point Blank* checked on the turnout in the 2014 mid-term election at press time and found that only 54.16% of registered voters

returned ballots. That translates to about 30 percent of the registered voters actually passing the measure.

Something to keep in mind about "universal background checks" as proposed by Bloomberg & Co: It's NOT a simple background check. Polling indicates a majority of the American public supports the concept of universal background checks to acquire a firearm. They do not support universal registration. By requiring all firearm transfers -- that's right, it's not just sale of a firearm, it's ANY transfer, such as loans, handling firearms in training classes, etc -- to be processed by a federal firearms licensee (FFL), it captures all of the identifying information on the transferee, the transferor, AND the firearm in question.

That's firearm registration by another name. The data may not be held in a centralized data base -- at this time -- but it IS available on demand by law enforcement. And while BATFE may be prohibited from creating a federal firearms registry, nothing prevents individual states from doing so.

Universal background checks via the initiative process are the greatest threat American gun owners face today. These initiatives MUST be stopped in every state where they are attempted.

How do we do that?

First, remain alert to the threat. These measures are given a great deal of publicity. You'll know when it's happening in your state.

Second, join the Citizens Committee for the right to Keep and Bear Arms the Second Amendment Foundation (which has filed a lawsuit in federal court challenging I-594), and any other gun rights advocacy groups that you believe will help protect your rights.

Third, GET INVOLVED. If a gun control initiative is coming to your state, grassroots activists will gather to fight the initiative. Activism is critical in getting the word out first, then in getting the vote out to defeat it. (Had all of Washington's gun owners voted "no" on I-594, it would have failed. Learn from that.)

In the end, ONLY YOU can preserve your rights.

HOUSTON ARMED CITIZEN A 'HERO'

Call it an exercise of a citizen's Right to Keep and Bear Arms.

A Houston-area armed citizen was hailed as a "hero" in the aftermath of an armed robbery in which he intervened, forcing two gun-toting would-be bandits to surrender.

Described as a "regular customer" at K&S Seafood, the customer, identified in news reports only as "Mike," was in the store when two thugs burst in near closing time one evening in early January. The bad

guys ordered store owner Koy Sam and his wife into the kitchen and demanded money after putting a gun to Sam's head.

It was at that time that "Mike" drew a 9mm pistol and forced one of the would-be robbers to the floor. That man reportedly aimed his gun at Mike, who fired a round that shattered a window. His accomplice, faced with a gun in the hands of a man who obviously knew what he was doing, quickly fled.

The suspect captured by Mike turned out to be 15 years old, according to KRIV News.

Sam said the armed customer "absolutely kept us all calm, made sure everything was okay" in an interview with KHOU News.

While one positive result of the incident was a suspect behind bars, a second benefit has also been reported. Sam's wife told one of the news agencies that she will be getting a Texas concealed carry permit.

TRAVEL ALERT: CHECK YOUR BAGS FOR GUNS!

Following a rash of year-end reports about people being stopped at airport security checkpoints with firearms in their carry-on bags, the Citizens Committee for the Right to Keep and Bear Arms reminds members to check your bags before heading to the airport.

People attempting to bring guns through the security checkpoint can be arrested and charged with a crime.

While it is legal to fly with an unloaded firearm, it must be checked in at the ticket counter and declared, so the TSA can check the firearm

CCRKBA BACKS REPEAL EFFORT

The Citizens Committee for the Right to Keep and Bear Arms is now on record in support of a measure in the Washington House of Representatives to repeal Initiative 594.

House Bill 1245 is sponsored by State Rep. Matt Shea, a Republican representing Spokane Valley in the far eastern section of the state.

CCRKBA Chairman Alan Gottlieb noted that, "With each passing day, it becomes more apparent that a lot of people who voted for the initiative did not realize the full scope of what they were voting for. This scheme is far more than just an expansion of the background check.

"It's unfortunate," he observed, "that I-594 is one of those measures that people had to pass in order to find out what was in it. Since that happened, a lot of people are wishing they had voted the other way."

through. You cannot carry a gun through a security checkpoint or aboard a commercial aircraft.

Where Portland airport officials reported a "whopping 123 percent increase" in guns found in carry-on bags last year, the actual number was 29 guns. In 2013, they found 13 guns.

The *Baltimore Sun* reported that "more than three dozen guns were seized from passengers flying out of three airports in the Baltimore-Washington region" last year. TSA reported 14 guns were seized at BWI Thurgood Marshall Airport, 14 at Ronald Reagan Washington National Airport, and nine at Dulles International Airport.

In Tulsa, Okla., officials grabbed 23 firearms, according to *World Business*.

Phoenix's Sky Harbor International Airport was third in the nation for the number of guns seized in 2014, the Associated Press reported.

The outright leader was Dallas/Fort Worth International, where 120 guns were confiscated. Running in second place was Hartsfield-Jackson International in Atlanta, Ga.

Houston International reported 77 guns taken from people last year and 70 more guns seized by TSA officials at Denver International Airport, according to published reports.

Nationally, 2,212 guns were reportedly seized from travelers, a 22 percent increase from 2013.

TEXAS WOMEN ARMING UP, SAYS NEWSPAPER

Lone Star State women are arming up, and lots of them are packing, according to a newspaper in Stephenville, located southwest of Fort Worth.

The Stephenville *Empire Tribune* looked into Texas gun ownership and found that "Websites and organizations dedicated to firearm ownership show an increase in women purchasing guns, revealing a shifting paradigm of the issue."

The story quoted Paul Jacobs, manager of Tac Pro Shooting Center in Mingus. He told the newspaper that there had been an increasing number of women interested in buying firearms. Over the previous six month period, he noted a "significant increase" in the number of women taking courses on firearms and self-defense.

"It's more for security so they know that they are safe when they're on their own," Jacobs said.

The newspaper also quoted from the website of the National Shooting Sports Foundation, reinforcing the idea that more women are buying firearms. A survey conducted by Responsive Management, found that 37 percent of new target shooters are women.

A survey conducted by the newspaper found that 42 percent of the women who participated in the poll said they have a concealed handgun license and carry guns with them.

BLOOMBERG'S EVERYTOWN MAKES MORE ERRORS; APOLOGY NOT ENOUGH

Michael Bloomberg's Everytown for Gun Safety lobbying group has had to retract claims it made about some gun dealers in Vermont should have the nation questioning everything else the group has said, including claims made to influence a Washington initiative campaign last year and a current effort in Nevada, the Citizens Committee for the Right to Keep and Bear Arms said.

An Everytown "report" about online firearms sales "wrongly identified" four dozen advertisements that allegedly were placed by unlicensed dealers "leading potential buyers to bypass background checks." One of those "misidentified" dealers is now threatening a lawsuit.

"This is not the first time a Bloomberg-funded gun control lobbying group has played fast and loose with facts," said CCRKBA Chairman Alan Gottlieb. "Everytown and Moms Demand Action have been challenged for falsely inflating the number of school shootings since Sandy Hook, and who can forget the gun control bus tour funded by Bloomberg that included the names of criminals and a suspected terrorist as victims of gun violence?"

Everytown has issued an apology for its error, but gun dealer Bobby Richards, who operates CrossFire Arms in Mount Holly, is reportedly considering legal action.

"If Bloomberg's Everytown group

is wrong about this," Gottlieb questioned, "what else have they been wrong about? Did they deliberately misrepresent the facts in hopes they wouldn't get caught?"

"Bloomberg has been using his wealth to push his brand of gun control all over the country," he observed. "First it was Washington, now Nevada and next Arizona and maybe Oregon. At what point does America tell this guy to get lost, and take his gun prohibition lobbying groups with him?"

"Mike Bloomberg doesn't only owe that gun dealer an apology," Gottlieb concluded. "He owes every gun owner in America an apology."

ILLINOIS CCW AFTER ONE YEAR: NO SERIOUS PROBLEMS

Almost as predictable as the sun coming up in the east, authorities in Illinois have acknowledged what Second Amendment activists had predicted all along: One year after the Illinois legislature adopted a concealed carry law, "the state's year-old concealed-carry law has had no noticeable negative effect, local authorities say."

That's how the News-Gazette in Champaign described the situation in a recent report. It has been the same experience in state after state where concealed carry laws have been reformed over the past several years. Twelve months after the Illinois law – prompted by a successful lawsuit filed by the Second Amendment Foundation, the sister organization of the Citizens Committee for the

Right to Keep and Bear Arms – was adopted, there does not appear to have been any massive bloodletting, outside of what has become the normally-anticipated mayhem in Chicago primarily involving illegally-armed criminals.

According to the Chicago Tribune, the Windy City posted fewer homicides last year than it did in 2013, but the drop was almost negligible. Last year, there were 407 homicides, down from the 419 reported in 2013, the newspaper said.

The News-Gazette quoted Urbana Police Chief Patrick Connolly who observed, "I think people were so concerned about it in the beginning, because there was a lot of media hype and speculation."

"But quite honestly," the chief

continued, "we have often said the people who are law-abiding and take the time to go to class and register and understand the concept, hopefully, are going to be smart enough to handle the firearm appropriately. So, I don't think this was something out of the ordinary."

There are more than 90,000 Illinois permits in circulation, according to the story. That is far lower than officials originally anticipated in early 2014. At that time, the state was expecting in the neighborhood of 400,000 CCW applications.

Meanwhile, the Champaign newspaper reported more than 400,000 permits in neighboring Indiana to the east, more than 240,000 in Iowa and more than 130,000 in Missouri to the west.

INDIANA'S REP. LUCAS DEFENDS RIGHTS

When Indiana State Rep. Jim Lucas (R-69th District) recently introduced legislation that would repeal the state's concealed carry structure and replace it with so-called "constitutional carry," it did not seem out of step for the Marine Corps veteran who was first elected in 2012.

Lucas' House Bill 1144 would amend state law to allow the lawful concealed carry of a sidearm without a permit by anyone who could legally own or possess a handgun. According to a report by WRTV in Indianapolis, there are more than 570,700 carry permits in Indiana. With a population of 6.5 million, that makes the state one of the top in terms of per capita concealed carry.

This is not Lucas' first foray in the gun rights arena. He sponsored legislation that would allow a citizen to store firearms in their vehicles, out of sight, while on school property.

This would benefit parents who might have occasion to come to a school for a parent-teacher conference, or in the event of a student illness or injury.

He also sponsored an amendment to remove restrictions on guns in schools and allow trained school employees to carry firearms during school hours. At the time, Lucas observed that so-called "gun-free zones" were actually "defenseless zones," where people cannot defend themselves against a criminal attack.

Constitutional Carry is not a new concept. Other states, including Alaska, Arizona, Vermont and most of Montana, allow unlicensed carry, openly or concealed. Indeed, before state governments got into the permit business, citizens did carry openly or concealed. There is a growing advocacy for the concept.

Re-elected last fall, Lucas represents portions of Bartholomew, Jackson,

Jennings and Jefferson counties, according to a brief biography on his website. He is vice chair of the Government and Regulatory Reform Committee, and he also serves on the Education and Public Policy committees.

Before being elected to the General Assembly, Lucas served on the Seymour City Council. He's got a business background as the owner of The Awning Guy, Inc. His biography also notes that the right to bear arms is one of his legislative priorities, and so far, his record shows that to be true.

He lives in Seymour with his wife, Lynn. They have three children.

Upon introducing his carry legislation, Lucas told WRTV/ABC6 news that, "I want to remove one more obstacle" in the path of law-abiding citizens so they can defend themselves.

REPEAL 'STUPID' 2A, SAYS OREGON TEACHER

A teacher at Portland State University in Oregon, and a director of the PeaceVoice group, has drawn plenty of fire in the past several weeks for penning a widely-circulated Op-Ed piece calling for repeal of the "stupid Second Amendment."

Critics consider this yet one more example of how far to the left academia has tilted.

Teacher Tom Hastings wrote that the Supreme Court did as done with its Second Amendment rulings was to "not only warp

the meaning and make it into twisted law, but to further prohibit states and local governments from declaring their places free of legal guns." He accused the high court of making it impossible for a city or state to outlaw firearms.

"Repeal the Stupid Second Amendment," Hastings wrote. "Surround it, grab it, bring it in the back room, pull down the shades, and end it. OK, petition for it, get it on the ballot, and get it done by enough of the US populace, by enough people in enough states, to

get it consigned to the dustbin of history."

Hastings teaches what the university calls the "Conflict Resolution" program. In his short essay, he argued that with the Heller and McDonald rulings, the Supreme Court had ruled "against the power of states." And he tried to bring up the race card by adding that this used to be a principle associated with "darn liberals who wanted to make sure everyone had the right to vote, for example, even though they weren't properly white enough."



QUICK SHOTS

Gun owners in Utah won't have to pay much attention at all to their current legislative session, at least according to one lawmaker.

State Senator Lyle Hillyard, a Republican from Logan, told the *Cache Valley Daily* newspaper he hasn't heard of any Second Amendment-related legislation that will be considered within the Utah legislature for this current session. He also added that he felt that new laws, in his opinion, weren't necessary.



New Hampshire's House of Representatives has lifted rules banning guns in the chamber.

According to the Associated Press, state House members voted in early January to reverse a ban that had been put into place two years ago.

The AP report cited data from the National Conference of State Legislatures that 10 other states allow carrying of guns into statehouses.



Residents in one Tennessee community are working hard at the to change local gun laws.

According to WTVB-TV, a petition has been filed seeking to overturn a ban on guns in city parks in the town of East Ridge. The TV station reported this ban has been in effect since 2009. The proponent of the petition told WTVB he started it in response to a recent uptick in violent crime within the community.

The TV station reported that over two dozen people have already signed the petition. It is not clear as

to whether the city council will end up considering it; it could be weeks yet before that occurs.



Looks like big money is starting to flow into the campaign to require stiffer background checks on gun purchases in Nevada.

According to the *Las Vegas Sun*, a former Facebook executive has chipped in \$250,000 to the proposed initiative, which is modeled off of Washington state's recently passed Initiative 594. The former exec, Sean Parker, reported the newspaper, also was a co-founder of Napster, a music downloading website.

The ballot initiative is expected to be voted on by Nevadans next year. Parker's contribution likely just the start of big-money donations to that campaign, a sign that gun rights supporters will need to be hard at work as soon as possible to fight for their rights.



A new piece of legislation has been introduced in the United State House of Representatives addressing the issue of interstate transport of firearms and ammunition.

HR 131 was introduced by Republican U.S. Rep. Griffith Morgan of Virginia and would amend current regulations to require that individuals taking guns and ammunition across state lines by means other than their vehicles store the guns and ammunition in locked containers, and also would protect folks from state or local restrictions on transport

provided they were doing it legally under federal law.

It has been referred to the House Judiciary Committee for its consideration.



From Alabama, a state senator there wants to make it legal for gun owners to carry their loaded handguns in their car without a permit.

WBRC-TV reported that Sen. Gerald Allen, from the city of Tuscaloosa is expected to propose legislation in the state legislature to that effect.

However, the senator told WBRC, "It's driven off the Second Amendment that we as citizens have the fundamental right to protect our homes and our property and that the car itself is an extension of our personal properties."



Here's a big "Oops" situation. According to the *Sacramento Bee*, a temporary employee at the California Secretary of State's office, was arrested for bringing a loaded handgun to work. He apparently left his backpack in a restroom in the state building, where it was found by a security guard. The loaded handgun was inside.

Secretary of State Alex Padilla reportedly was seeking a restraining order against Thurmond to keep him out of the building. He also asked for increased security from the California Highway Patrol.



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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 others. Check our websites -- www.saf.org or www.ccrkba.org for updates.

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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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