

POINT BLANK

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



June 2015

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**CITIZENS
COMMITTEE
FOR THE RIGHT
TO KEEP AND
BEAR ARMS**

WWW.CCRKBA.ORG

12500 N.E. Tenth Place
Bellevue, Washington 98005
425-454-4911

Capitol Hill Office:
1350 Eye St., N.W.
Washington, D.C. 20005

JUDGE ISSUES PRELIM INJUNCTION AGAINST 'GOOD REASON' D.C. CARRY REQUIREMENT

Once again, the District of Columbia's restrictive gun control scheme has been handed a setback by a federal court, this time in a challenge of the "good reason" requirement for being issued a concealed carry license.

It's a case brought against the District by the Second Amendment Foundation, the sister organization of the Citizens Committee for the Right to Keep and Bear Arms. The case, known as *Wrenn v. District of Columbia*, was before federal Judge Frederick J. Scullin, who issued a preliminary restraining order against further enforcement of the requirement.

In his order, Judge Scullin noted, "The District of Columbia's arbitrary 'good reason'/'proper reason' requirement...goes far beyond establishing such reasonable restrictions. Rather, for all intents and purposes, this requirement makes it impossible for the overwhelming majority of law-abiding citizens to obtain licenses to carry handguns in public for self-defense, thereby depriving them of their Second Amendment right to bear arms."

CCRKBA Chairman Alan Gottlieb applauded the ruling, noting that "once again, the court has thwarted the District's blatantly obvious effort to discourage the exercise of Second Amendment rights by forcing permit applicants to jump through a series of hoops and then frustrate them by requiring an arbitrary 'good reason' for the exercise of a constitutionally-protected civil right."

Attorneys for both sides were ordered to attend a July 7 conference with the court to "discuss an expedited schedule for the resolution of this case."

Judge Scullin ordered that the city is "enjoined from denying handgun carry licenses to applicants who meet the requirements of D.C. Code 22-4506(a) and all other current requirements for the possession and carrying of handguns under District of Columbia law."

He further wrote that the District's "good reason/proper reason" requirement "has far more than a 'de minimis' effect on [their] rights it completely bars the right from being exercised, at all times and places and in any manner, without exception" and that the requirement "impinges on Plaintiff's Second Amendment right to bear arms."

This is a case CCRKBA will be watching closely, as the Supreme Court has been so far reluctant to accept for review any of several cases that have been submitted on the subject of carry outside the home, and what – if any – restrictions might be placed against that right by local authorities, and still be allowed under the Second Amendment.

APPEALS COURT RULES FOR OPEN CARRY IN OHIO CASE

A ruling by the U.S. Sixth Circuit Court of Appeals in a Toledo, Ohio case amounts to a victory for open carry activists, Fourth Amendment advocates and the right to keep and bear arms.

A three-judge panel on the court ruled that Toledo resident Shawn Northrup can sue a city police officer for detaining him illegally because he was openly carrying a semiautomatic pistol while walking with his wife, daughter, grandson and their dog.

According to the summary of the incident, a motorcyclist identified as Alan Rose stopped and loudly told Northrup that he “can’t walk around with a gun like that!” An exchange of words ensued. Rose subsequently called the police to report a man walking around with a gun. The police dispatcher said this was legal, the court narrative noted, provided the person has a carry permit. At that point, Rose apparently had a change of heart, but the dispatcher sent an officer to investigate, anyway.

Northrup was stopped, disarmed and handcuffed, and detained for about 30 minutes by Officer David Bright, according to court documents.

Writing for the panel, Circuit Judge Jeffrey Sutton observed, “This requirement and the impropriety of Officer Bright’s demands are particularly acute in a State like Ohio. Not only has the State made open carry of a firearm legal, but it also does not require gun owners to produce or even carry their licenses for inquiring officers.”

“While open-carry laws may put police officers...in awkward situations from time to time,” the judge continued, “the Ohio legislature has decided its citizens

may be entrusted with firearms on public streets. The Toledo Police Department has no authority to disregard this decision—not to mention the protections of the Fourth Amendment—by detaining every ‘gunman’ who lawfully possesses a firearm.

“And,” Judge Sutton added, “it has long been clearly established that an officer needs evidence of criminality or dangerousness before he may detain and disarm a law-abiding citizen. We thus affirm the district court’s conclusion that, after reading the factual inferences in the record in Northrup’s favor, Officer Bright could not reasonably suspect that Northrup needed to be disarmed.”

Writing for the *Washington Post*, Eugene Volokh noted: “The police are free to approach people to ask them questions, even without reasonable suspicion that the people are violating the law. They can order a person to stop for a short while if they have reasonable suspicion that the person is committing a crime or about to commit a crime. They can certainly disarm him and arrest him if they reasonably think that he’s about to shoot them, or if he is otherwise threatening them (something that the police alleged here, but that the court said is a fact question for the jury).

“But to coercively stop a person — and certainly to handcuff the person, which is what happened in this case — the police do have to have such reasonable suspicion,” Volokh explained. “And if all they see is someone openly carrying a gun in a state in which such open carry is legal, the Fourth Amendment prevents them from ‘search[ing]’ or ‘seiz[ing]’

that person. One can support open carry or oppose it...but if open carry is legal, this result seems quite right under Fourth Amendment law.”

This ruling does not directly affect open carry in other states, but circuit courts do pay attention to opinions from other circuits.

Northrup’s attorney, Daniel T. Ellis, was quoted by the *Toledo Blade* asserting, “Columbus is very restrictive. Cleveland is kind of restrictive. Cincinnati is restrictive. I think Toledo is getting better. Police officers do not want people to carry firearms. They seem not to want to abide by the Constitution that allows people to do so.”



POINT BLANK

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

Editor J H Versnel
Publisher Alan M. Gottlieb
Managing Editor Dave Workman
Associate Editors Tom Gresham
 Don Moran
 Herb Stupp
 Peggy Tartaro
 Joe Waldron
 Rhett Workman

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CCRKBA LAUNCHES CAMPAIGN TO COUNTER BLOOMBERG

Days after Everytown for Gun Safety – the \$50 million so-called “grassroots” lobbying organization financed by Michael Bloomberg – announced the launch of what the Capital news service called an “adjacent news operation,” the Citizens Committee for the Right to Keep and Bear Arms inaugurated a national campaign to counter it.

CCRKBA began by airing a 30-second spot on some key cable networks as an experimental effort, and the full program features spots appearing on the following networks: FOX Business, SPIKE, Velocity, American Heroes, History and H2, TNT, Do It Yourself, AMC, Discovery and Investigation Discovery, the Outdoor Channel, the Sportsman Channel, CMT, Trinity Broadcast Network, Fox News, The Blaze and the Weather Channel.

“This is one of our most ambitious undertakings,” Gottlieb explained. “We’re challenging what might best be described as a public disinformation effort backed by a multi-billionaire who is becoming increasingly involved in state level politics. He may spend millions of dollars, but we’re reaching out to millions of law-abiding citizens.”

According to Capital, the Everytown project was a high profile operation. The story said that James Burnett, formerly story editor with *The New Republic*, is the editorial director of this new “news” venture. Joining him is Jennifer Mascia, a former news and editorial assistant at *The New York Times*.

Gottlieb said CCRKBA is unperturbed by the announcement.

“Our country is experiencing increasing turmoil and the threat

of so-called ‘lone wolf’ terrorism,” he observed. “Now is not the time to be eroding the most basic tenet of our liberty, which is the one right that protects all of our other rights. The system may be broken, but surrendering our rights is not the way to fix it.

“Wealthy demagogues think they can buy the power to tell everyone else how to live,” Gottlieb said. “The Bill of Rights is not up for grabs, especially not one piece at a time. Today these elitists are after the Second Amendment, but what about tomorrow? The First Amendment right of free speech? Maybe the Fourth Amendment right of privacy. Or how about the Fifth Amendment right of due process?”

“This battle isn’t about guns,” he reasoned. “This is about freedom, and that’s not for sale at any price.”

WA BACKGROUND CHECK CHALLENGE HITS OBSTACLE

A federal court challenge to Washington State’s gun control Initiative 594, spearheaded by Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms, was dismissed without prejudice – meaning that it can be re-filed – on the grounds that plaintiffs had no standing, since nobody had yet been arrested or prosecuted.

Gottlieb, the Second Amendment Foundation and several other co-plaintiffs had filed the lawsuit against the initiative that was approved by voters in November following a grueling and financially-lopsided campaign financed largely by wealthy

elitists with significant support from anti-gun billionaire Michael Bloomberg and his Everytown for Gun Safety lobbying group.

“It is mind boggling that a law-abiding citizen evidently must put their civil rights, not to mention their clean criminal record, at risk before a court can rule whether a law is constitutional,” Gottlieb observed.

Judge Benjamin H. Settle observed in his eight-page ruling that, “The Court is sympathetic to Plaintiffs in that one must actually be prosecuted or under actual or immediate threat of prosecution before the Court may address the constitutionality of a

statute.” The judge further observed that “the fairness of this rule may definitely be questioned...”

That got Gottlieb’s attention, and he indicated the battle over this measure is not over yet.

“He said, ‘It is unfair that someone has to be charged before they are allowed to challenge an attack on their constitutional rights.’”

CCRKBA was part of a statewide coalition that included sportsmen, law enforcement, target shooters, collectors and Second Amendment activists – organized under the umbrella of “Protect Our Gun Rights” – to battle the initiative.

CCRKBA LAUDS POLITIFACT REBUFF OF 'EVERYTOWN'

When anti-gun billionaire Michael Bloomberg's lobbying group Everytown for Gun Safety tried to exploit the slayings of three New York City police officers by claiming the cases were examples of "illegal guns" from Georgia being used in the Big Apple, the allegations were scrutinized by PolitiFact and the results published in the Atlanta Journal Constitution.

Long story short, Everytown's claims came up well short of the mark.

When that happened, the Citizens Committee for the Right to Keep and Bear Arms applauded both the fact checkers at PolitiFact, and the Atlanta newspaper, for calling out Bloomberg's lobbying organization over claims that so-called "lax" Georgia gun laws were somehow responsible.

PolitiFact checked claims by the anti-gun-rights group that "illegal

guns" from Georgia were involved in the murders of officer Brian Moore in May and officers Wenjian Liu and Rafael Ramos in December 2014. PolitiFact determined that one of the guns had been purchased legally almost 20 years ago, and the other had been stolen almost four years ago in a gun shop burglary.

That doesn't make them "illegal guns," but only firearms involved in an illegal action. And it really didn't support the notion that "lax" gun laws exist in Georgia.

"PolitiFact properly challenged Everytown on its definition of what constitutes an 'illegal gun,'" noted CCRKBA Chairman Alan Gottlieb. "This Bloomberg-funded gun prohibition lobbying group continually refers to guns as being 'illegal' without justification, other than to demonize the implement when they should be complaining about the actions of cop

killers, which are definitely illegal."

Guns stolen in a burglary are not subject to any kind of legal transaction. So far, about ten of those guns have shown up in New York, according to Everytown. But whether they were bought legally or stolen in Georgia really isn't the underlying issue, Gottlieb explained.

"Let's be honest," he observed, "the people at Everytown want Americans to believe that every gun is illegal because that's the narrative they seek to perpetuate, and the cornerstone of the Utopian world they envision. For them, the Second Amendment is a 'loophole,' and it's appropriate that they're being called on this canard."

Gottlieb posited that Americans are "getting wise" to the fact that billionaire Bloomberg created the Everytown group to first inconvenience, then discourage and finally disarm law-abiding citizens via well-financed initiative campaigns or through legislation pushed by politicians his money helps elect.

He also said the growing influence of Bloomberg's billions on the political landscape is insidious.

"Bloomberg's anti-gun spinmeisters at Everytown have invented this 'illegal gun' term as a deceptive political weapon," Gottlieb commented, "and finally a newspaper is raising a red flag. The truth is not for sale, and neither is the Second Amendment, and the sooner that Bloomberg and his hired guns at Everytown acknowledge that, the better off the rest of us will be."

OK GOV SIGNS KNIFE LAW PREEMPTION

The right to keep and bear arms is not simply limited to firearms, it also covers knives, and CCRKBA's colleagues at Knife Rights scored a recent victory in Oklahoma when Gov. Mary Fallin signed a state knife law preemption measure.

This makes Oklahoma the eighth state to have adopted such a law, championed by Knife Rights. Arizona, Utah, New Hampshire, Georgia, Alaska, Kansas and Tennessee already have a similar law.

In a release, Knife Rights noted that this was the second bill signed by Gov. Fallin regarding knives. A week

earlier, she had signed a repeal on the ban against carrying switchblade knives.

However, daggers, Bowie knives and dirks are still prohibited, the organization noted. In a press release Knife Right's Chairman, Doug Ritter added, "Knife Rights still has some clean-up work to do in Oklahoma."

Founded in 2006, Knife Rights has been represented annually at the Gun Rights Policy Conference, which is co-hosted by the Citizens Committee.

For more information about Knife Rights, visit www.kniferights.org

TWO NEW BILLS COULD IMPROVE 2A RIGHTS FOR MILITARY, FAMILIES

Two new bills have been introduced in the U.S. House of Representatives that could impact your gun rights, especially if you are a member of the military, and the Citizens' Committee for the Right to Keep and Bear Arms is monitoring both measures.

One bill, H.R. 2246, known as The Firearms Interstate Commerce Reform Act, was introduced in early May by Congressman Steve Scalise, a Republican from Louisiana. He had one co-sponsor at press time, fellow Republican Rep. Alex Mooney from West Virginia.

This bill would amend the federal statutes governing what Red Alert Politics described as "the legal firearm purchase process for active-duty military and law-abiding U.S. citizens."

"For decades now," he continued, "our gun laws have made it harder and more costly to legally purchase guns in other states and then safely bring them home. I'm proud to introduce this legislation with my friend and colleague Rep. Alex Mooney in order to remove these burdensome and unnecessary

restrictions so we can bring firearm laws into the 21st Century."

The second bill, H.R. 2259, also affects military families' ability to purchase firearms. This bill is sponsored by Rep. Scott Rigell, a Virginia Republican and has five co-sponsors. This bill, according to a statement from Rigell, would allow military spouses to purchase handguns in the state that their military husband/wife is stationed, or in a neighboring state if that soldier has to commute across state lines to go on duty.

CITIZEN ACTION PROJECT

It's June and most state legislatures have adjourned for the year. It is time for you to ask what did your legislators do FOR you this year? Or what did they do TO you? A lot of good pro-gun legislation passed in several states, as well as some bad ones. Overall, gun owners came out ahead at the state level this year.

The wide variety of bills passed is too broad to cover here, but some trends are developing. Ownership and use of firearms and other devices controlled under the federal National Firearms Act of 1934 is expanding. Legislation to allow use of suppressors has passed in several states, as has permitting ownership of short-barreled rifles and shotguns (where previously prohibited by state law).

Coupled with that is a trend to pass "shall certify" legislation, mandating that the chief law enforcement officer (CLEO) of a jurisdiction sign off on NFA purchases, as required by federal law, unless the issuing officer can show good cause why the sale/transfer should be prohibited.

Not everything was sunshine and roses for gun owners. At the top of that list is Oregon, whose legislature passed, and governor signed, SB 941, a bill mandating background checks on ALL firearm transfers. The bill was almost a duplicate of the background check initiative passed in Washington 18 months ago -- and being considered in several other states (funded in large part by ex-NYC Mayor Michael Bloomberg).

The end of the legislative season is another opportunity for you to get in touch with your state legislators. For those that passed, or even tried to pass, pro-gun bills, thank them. For those on the other side, politely but firmly let them know that as a constituent, you are not happy with their performance. Keep in mind that most legislators aren't experts on the gun issue. They may not fully understand the effect of the bills they are voting on, positive or negative. It's your job to educate them and keep them informed. The legislator-constituent relationship is a two-way street.

By now you should already have contact information available at your fingertips for all of your elected officials, but for those who misplaced it, links to legislators in every state may be found at <http://www.ncsl.org/aboutus/ncslservice/state-legislative-websites-directory.aspx>.

Choose your state, visit that web site, and there will usually be an option to enter your address, which will identify your district and direct links to the elected officials from that district.

SAUL LIPSKY: IN DEFENSE OF A PRINCIPLE

Defending a constitutional right takes many forms, and every so often, it comes in the form of a verbal bow shot in what might be called “enemy territory” where the idea of exercising the right to keep and bear arms seems as alien as Michael Rennie’s “Klaatu” character emerging from a flying saucer in the classic *The Day The Earth Stood Still*.

Veteran editor and journalist Seth Lipsky, founder of the *New York Sun* – and writing in the *New York Post* – nailed it recently when he discussed the potentially national ramifications of the recent federal court ruling against the District of Columbia’s “good reason” requirement for obtaining a handgun carry permit.

Said Lipsky: “It’s a big deal because the ‘good reason’ hurdle is being used by municipalities to evade the Bill of Rights. What would be the reaction were Americans required to show “good reason” before they were allowed to pray in public? Or before they were allowed to speak on a street corner? Or before they were allowed to publish or read newspapers? Or, for that matter, to demand to see a search warrant. Or to remain silent when arrested. All are protected under the Bill of Rights. No questions asked.”

Quoting Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms, and founder of CCRKBA’s sister organization – and winning plaintiff in the District lawsuit – Lipsky seemed to agree wholeheartedly with Gottlieb’s assertion that this was “a devastating loss for the District and its anti-gun-rights policy.”

Lipsky founded the *New York Sun*, which operated as a print edition from 2002 to 2008 and is now available online. He proved to be no slouch when reminding Empire State officials, and especially those in the Big Apple who perpetuate the city’s Draconian gun laws, that New York has gone a long way downhill when it comes to the right to keep and bear arms. New York City makes it financially and bureaucratically difficult, if not impossible, for the vast majority of law-abiding citizens to obtain a carry permit.

Lipsky’s opinion column reached a lot of people, and perhaps raised a lot of eyebrows in the process. That’s frequently how people defend one right, or all of them; by education and provocation, and sometimes a verbal slap with a wet towel.

Writing about federal Judge Frederick J. Scullin Jr.’s 23-page order declaring that the “good reason” requirement did not pass the constitutional smell test, Lipsky stated, “He blocked the city from enforcing its handgun law, and he set an “expedited schedule” to resolve outstanding details.

“That suggested the judge was tired of local officials trying to resist several Supreme Court decisions on the Second Amendment,” Lipsky’s commentary continued. “The Heller case, for example, established that the right to ‘keep and bear arms’ is an individual right, not that of a militia.

“Heller, though, was also a case from Washington, DC, which is governed, ultimately, by Congress,” he reminded readers. “A second landmark decision, known as *McDonald v. Chicago*, required the states to obey the Second Amendment.

“Could this pattern be repeated in

the case just decided,” Lipsky mused. “It may be that the local authorities won’t appeal, lest they risk setting a national precedent. It’s also possible to imagine that Congress will wake up to what’s happening in its own back yard.”

“This is an irony for New York,” Lipsky lamented. “The most progressive state is one of the most regressive when it comes to the Second Amendment. And it’s a far cry from New York’s roots; the state ratified the Constitution only on the condition that it would protect the right to bear arms. It carefully marked that condition in a famous statement put out in Poughkeepsie at the time the Constitution was ratified.

“It asserted that the ‘people have the right to keep and bear arms,’” he reminded readers. “It said nothing about them having to show good reason.”

It’s time to
register for the:

**2015
Gun Rights
Policy
Conference**

in Phoenix, AZ

**September 24,
25 and 26,
2015**

See back page or go to
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for details



QUICK SHOTS

From the only cops should have guns file, a sheriff's deputy in Washington state has lost his job after failing to keep an eye on his sidearm while off duty.

According to the Associated Press, citing a public records request, the deputy from the King County sheriff's department was dismissed May 1 after he allegedly was found passed out and under the influence of alcohol on a boat in the Tacoma Narrows waterway earlier this year. He also reportedly left his handgun and his police ID on the dock at the Narrows Marina, and when he was contacted by Tacoma city police about that, he allegedly got a little physical with them.

The sheriff's department chief deputy, according to the AP, noted in a personnel item regarding the dismissal that he felt the only reason his officer wasn't taken into custody by the Tacoma officers was because of him being a deputy.



The Huntington, WV, *Herald-Dispatch* reported the city's planning commission has voted to enact new rules for where firearms dealers can be located in the city. These new regulations have been in the works for some time, as, according to the newspaper, these rules were set to be enacted as part of recently passed zoning regulations governing pawn shops, but were put on hold for the gun stores at the request of Huntington's mayor, Steve Williams, due to some technicalities.

The *Herald-Dispatch* said the new regulations for gun shops would

outlaw those stores within areas zoned as "neighborhood commercial," but could operate in industrial areas and so-called "highway commercial" areas without the need for any additional permits.

According to the newspaper, none of the city's current firearms dealers, 10 in all, would be affected by the new rules. The Huntington city council will now review the planning commission's proposed ordinance on this matter, and will vote on it at a later date.



It appears a prominent official within former New York Mayor Michael Bloomberg's anti-gun Everytown for Gun Safety recently had a case of "cold feet," refusing to debate a prominent pro-gun activist on national TV.

According to the Washington Times, Everytown's research director, Ted Alcorn, declined to debate pro-gun researcher John Lott on air during a recent edition of C-SPAN's morning talk program, "Washington Journal." The two researchers were discussing the recent poll from Pew Research Center that, for the first time, found that more Americans felt that protecting the Second Amendment was more important than enacting new regulations on gun rights.

The two men did appear, but in separate segments.



In Rhode Island, the campus of the University of Rhode Island is apparently a bit safer now, thanks to

newly-armed campus police officers.

According to the *Providence Journal*, the 26-officer URI campus police at the main campus in South Kingstown began carrying guns on duty in early May, utilizing the same type of firearm that most local and state police officers use.

The *Journal* reported the decision to arm campus cops had been a hot topic of debate for a long time, but after a 2013 incident that forced the closure of the campus and a delay in response due to the lack of armed campus police, the idea took on new significance.

The school, according to the newspaper, spent over \$21,000 on the weapons.



After recent anti-gun background check legislation passed in Oregon, gun rights supporters are looking at a method used successfully in Colorado following the passage of anti-gun legislation there – recalling lawmakers.

According to KATU-TV in Portland, an effort has started to recall three of the state legislators who voted in favor of the measure. Those three lawmakers are state Sen. Chuck Riley, a Democrat from suburban Portland, and state Reps. Val Hoyle and Susan McLain, both also Democrats. Hoyle represents Eugene while McLain represents suburban Portland.

How far this effort, and other possible ones that could be mounted, will go is up in the air, but this could be something to watch in the coming days and weeks in that state.

Come meet national gun rights leaders and your fellow grassroots activists at the 30th Annual Gun Rights Policy Conference (GRPC 2015) in Phoenix, Arizona. This is your once-a-year chance to network and get an insider look and plan pro-gun rights strategies for the coming year.

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

This year we'll take a look at critical issues such as: city gun bans, "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, John Lott and many others. Check our websites -- www.saf.org or www.ccrkba.org for updates.