



# REPORTER

## 29TH ANNUAL GRPC: CELEBRATING FREEDOM A RESOUNDING SUCCESS

Despite massive travel problems caused by a fire at an air traffic control center near O'Hare Airport that delayed over 20 GRPC speakers, the 2014 Gun Rights Policy Conference was a resounding success. The event featured dozens of speakers from the gun rights community's leadership around the country and was attended by hundreds of activists, organizers and gun right enthusiasts.

During the Saturday luncheon, the Second Amendment Foundation was proud to present a number of important awards to some very well deserving recipients. Unfortunately the air traffic control issues prevented some award winners, like 2014 Global Leadership Award winner David Kopel from attending. Once the luncheon began, the first 2014 SAF award went to our Scholar of the Year, John Lott, president of the Crime Prevention Research Center.

Lott also gave an important address during the conference, warning attendees of the risks that anti-freedom activist and billionaire, Michael Bloomberg, poses to our freedoms. Lott criticized a Bloomberg-financed report that alleged there had been 75 public school shootings since the tragedy at Newtown in December 2012. Lott's research revealed that the listed incidents were most often not actually shootings in the traditional sense, but instead involved a mixture of other things like legitimate self-defense cases, suicides and other incidents which apparently occurred away from school campuses. The actual number, after Lott went through the cases, came down to ten. "Every single Bloomberg study that I've looked at has a huge number of errors," he asserted.

However, bringing that out in the open has been difficult because, Lott said, people involved in those studies "will not debate." Instead, they may offer comments, but they allegedly do not care to engage in face-to-face exchanges because they know their data will be challenged and errors will be revealed.

Lott did not confine his criticism to Bloomberg. He also was critical of the FBI, President Barack Obama and other anti-gunners. The FBI had recently issued a report on mass shootings, but Lott said it was "embarrassing how bad this is." "Over 40 percent of their 160 cases

involved either no one shot, wounded or killed," he said. There were also some 33 cases that the FBI missed, and apparently did not include in the report, he added. Lott suggested there is some media bias in how such data is reported.

Lott urged the audience to go through these reports, read news stories and reach their own conclusions. It's Lott's own tenacity on in challenging this research that led him to win SAF's Scholar of the Year award.

SAF's 2014 Journalist of the Year went to stalwart Dave Workman, who is our own senior editor and a very well experienced gun journalist. Workman also spoke at GRPC, addressing the interesting topic of "Investigating Gun Related News and the Rise of the Citizen Journalist" with fellow author David Codrea, a SAF 2014 Defender of Liberty Award winner. Workman and Codrea both have spent the last couple of years as leaders in gun journalism, helping to break the story of the Fast and Furious scandal, and to keep the story alive when the mainstream media has tried to let it die.

In discussing this year's GRPC, Workman noted that he found nationally-recognized firearms and self-defense authority Massad Ayoob's presentation on the dangers of gun-free zones particularly compelling. Ayoob criticized society for being "so focused on symbolism instead of substance" that anti-gunners have been "able to sell to legislators, able to sell to the public, the childishly naïve concept that if a human being has chosen to violate the most rigidly enforced laws in the history of god and man and civilization that somehow putting up a sign that says 'No Guns' will keep anything from happening."

He also mentioned shootings at so-called Gun Free Zones in Colorado, including the theater in Aurora, which was the only one in the alleged gunman's neighborhood that was clearly marked as prohibiting firearms. In fairness to the other side, Ayoob spoke about two church shootings that happened at places where guns were not prohibited. Of course, in those shootings, the gunmen were fatally shot by armed private citizens.

Another participant in Ayoob's panel on gun-free zones, and another 2014 SAF Defender of Liberty Award

# DESPITE TRAVEL TROUBLES, GRPC HAS RECORD TURNOUT

(Continued from page 1)

winner, author Chris Bird, discussed how some gun-free zones are being re-armed as people realize their dangers. He talked about how the small Argyle Independent School District in north Texas has posted its buildings with signs that say "Attention: Please be aware that the staff at Argyle ISD are armed and may use whatever force is necessary to protect our students." Bird reported there are now about 40 Texas districts that arm their teachers and his role in assisting with this process was among the reasons for his award this year.

Joining Bird, as 2014 Defender of Liberty Award winners were folks from various spheres of the gun-rights community. From other organizations and the industry, SAF was proud to present awards to Bill McGrath, legislative director of Safari Club International and Rick Patterson vice president of the Sporting Arms & Ammunition Manufacturers Institute (SAAMI). Also awarded was journalist and liberty philosopher Charles Heller who hosts Liberty Watch Radio.

A number of state gun-rights leaders were also honored for their great contributions to our fight. Two were honored from Massachusetts: Jim Wallace, executive director of the Gun Owners Action League (GOAL) Massachusetts and Thomas Bolioli, a co-founder of Commonwealth Second Amendment. SAF was also proud to honor Philip Van Cleave, president of the Virginia Citizens

Defense League, Stephen Aldstadt, president of Scope NY, Inc. (Shooters Committee on Political Education) and David Gross who has given so much to the Minnesota Gun Owners Civil Rights Alliance.

Each of our award winners, and probably every GRPC attendee, was most excited to hear from civil rights attorney and gun rights hero, Alan Gura, who offered a presentation during the awards luncheon. The winner of both the 2008 *Heller v. D.C.* and 2010 *McDonald v. Chicago* Supreme Court rulings, Gura lauded SAF as being "the premier gun rights litigation organization" in the U.S. and he assured the luncheon crowd that the group "will continue to support cases in which harmless people have lost their rights."

However, Gura cautioned the audience that "you are not going to achieve your perfect definition of the Second Amendment," and he also repeated something said by others during the conference: Elections do matter. Chicago and Illinois, he said, have been the scene of some tremendous victories, including *McDonald*, the *Ezell* case and *Moore v. Madigan*.

Despite many opportunities for the Supreme Court to decide on carry cases in recent years, it has declined. There have been several declined cases, from New York, New Jersey, Maryland and Texas. Gura discussed SAF's recent victory in the

case of *Palmer v. District of Columbia*. In that case, the federal court struck down the city's ban on carrying firearms outside the home. The bad news is that the city has crafted what he called "an extreme carry law" designed to discourage people from applying for carry permits, if not make it impossible to qualify under a discretionary regulation. *Palmer* could be the case that ends up breaking the drought of Supreme Court carry cases in the coming year.

Another highlight can on the second day of the conference, when John Fund, national affairs correspondent for *NationalReviewOnline*, discussed the activities of Bloomberg, the current administration in Washington and the mid-term elections.

Fund suggested that Attorney General Eric Holder's hastily announced departure showed that Democrats knew they would lose Congress, and they needed to expedite a replacement while they still held a majority. Fund prophetically cautioned the audience that President Obama would simply try to appoint someone like Holder.

The audience also warmed up to Fund's discussion of Operation Fast & Furious. He noted that Holder is the first attorney general to be held in contempt of Congress, and during that vote, one in ten Democrats voted for the sanction. "Eric Holder has been the worst attorney general in the history of the United States," Fund asserted. Fund predicted that the Fast & Furious documents now being sought by the House Committee on Oversight and Government Reform "will not be pretty."

As those documents are finally released, they are sure to join the litany of interesting and important topics for next year's GRPC.

All are invited to join us in September 25-27, 2015 in Phoenix, Arizona.



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425-454-7012  
[www.saf.org](http://www.saf.org)

**Publisher**  
**Editor**  
**Managing Editors**

**Alan Gottlieb**  
**Joseph Tartaro**  
**J.H. Versnel**  
**Miko Tempksi**  
**Dave Workman**

*Address all editorial matters and letters and other inquiries to the address on the left. For changes of name or address, please send old and new address to the Second Amendment Foundation.*  
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# SAF SUES IL OVER RESTRICTIVE CCW RESIDENCY REQUIREMENTS

The Second Amendment Foundation has filed a lawsuit in federal district court in Illinois, challenging a portion of that state's relatively new concealed carry statute. The portion challenged is the prohibition on otherwise qualified non-residents of the rights and privileges of carrying concealed firearms based solely on their state of residence.

Illinois was the last of the states to pass a concealed carry law, after it was order to do so by the U.S. Court of Appeals as a result of another Second Amendment Foundation legal challenge, *Moore v. Madigan*.

Joining SAF in this legal action are the Illinois State Rifle Association, Illinois Carry, Inc., and ten individual plaintiffs, all residing in other states and who are licensed to carry in those

states. The lead among these ten individuals is an active-duty Colonel who is a resident of another state, but is stationed in Illinois. Even he is prohibited from obtaining a non-resident permit in Illinois.

Under the Illinois statute, only residents from states with "substantially similar" requirements to obtain a carry license are allowed to apply for non-resident licenses. Only four states currently qualify under that provision. They are Hawaii, New Mexico, South Carolina and Virginia. None of the plaintiffs reside in those states.

"Our plaintiffs have qualified for carry permits or licenses in their own states," Gottlieb said, "which means they have gone through background checks and other requirements that show they are responsible,

law-abiding citizens. Yet, because of the current Illinois statute, their self-defense rights are suspended immediately after they cross the Illinois state line."

SAF's Attorney in this case, David Sigale said, "This lawsuit is brought because it is unfair that otherwise qualified people from states outside Illinois, who work and travel in Illinois are barred from obtaining means to defend themselves in public solely based on their state of residence. We expect to correct that."

"It makes no sense," Gottlieb concluded, "for Illinois to enforce such a narrowly-defined law that seems to recognize the rights of some non-residents, while dismissing the rights of most other non-residents. We can't allow that kind of discriminatory situation to stand."

## SAF ARGUES FOR INDIVIDUAL SELF-DEFENSE RIGHTS AT UN

The Second Amendment Foundation offered testimony before the First Committee of the United Nations General Assembly on behalf of the right of individual self-defense, especially for women in developing countries.

Speaking for SAF was Operations Director Julianne Versnel, who told the panel, "The United Nations recognizes the right of governments to defend themselves, and to possess the means of doing so. Yet this body perpetuates the situation that keeps the number of women victims growing by denying them, and in fact all human beings, the means to—and decrying even their right to—defend themselves.

"They are the victims not of small arms," she continued, "but of political philosophies and state policies that say only governments are worthy of defending themselves. To argue that people have the right to live but not to defend their lives is to argue in favor of continuing to keep women at risk of criminal violence in places where government does little to protect them."

Noting that "more people die every day from malaria than are murdered by small arms in three days," Versnel detailed how more women and children die from starvation every day than are murdered with small arms over a 15-day period. She urged the committee to remember

women who are "raped by armed gangs in Mexico" and those who are mutilated, or murdered in so-called "honor violence."

Versnel told the committee that the U.N. "must address the right of women to defend themselves and their right to have the physical means—including firearms—of doing so. Or, acknowledge the hypocrisy inherent in proclaiming support for women's causes while keeping them vulnerable to male-perpetuated criminal violence."

The full footnoted text of Ms. Versnel's speech is available at <http://iapcar.org/wp-content/uploads/2014/10/First-Committee-SAF-IAPCAR-Statement.pdf>.

## **SAF WINS SILVESTER CASE ON WAITING PERIODS IN CALIFORNIA**

The Second Amendment Foundation won a significant court victory in California in which the U.S. District Court for the Eastern District of California ruled that the Golden State's 10-day waiting period violates the Second Amendment "as applied to those individuals who successfully pass" the state's background check prior to the ten days, and who are in lawful possession of an additional firearm.

The ruling, by Senior Judge Anthony W. Ishii, a Bill Clinton appointee, also notes that the 10-day waiting period violates the Second Amendment for those individuals who pass the background check and who possess a valid CCW license. Joining SAF in the case was the Calguns Foundation and individual plaintiffs Brandon Combs and Jeff Silvester, for whom the case is named.

"This ruling clearly addressed the issue we put before the court," said SAF founder and Executive Vice President Alan Gottlieb. "We are naturally delighted with the outcome."

"This is a great win for Second Amendment civil rights and common sense," Silvester concurred. "I couldn't be happier with the outcome."

SAF General Counsel Miko Tempski added, "Basically, the waiting period doesn't make any sense when someone has already been cleared, has a concealed carry permit and already owns a gun."

In his ruling, Judge Ishii relied on other SAF cases including Moore v. Madigan, Ezell v. Chicago and McDonald v. Chicago. He specifically noted, "The Court emphasizes that it is expressing no opinion on the constitutionality of the 10-day waiting period in general or as applied to first time California firearms purchasers." Tempski said the court was not asked to broadly throw out the state's waiting period in every situation, "so we don't know if it would uphold waiting periods"

as being constitutional.

"With this victory," Tempski said, "years of SAF and Calguns Foundation litigation are coming to fruition. We have built a solid foundation that allows us to successfully challenge irrational laws like this."

"California gun owners are not second-class citizens and the Second Amendment doesn't protect second class rights," said Combs, who is also CGF's executive director. "This decision is an important step towards restoring fundamental individual liberties in the Golden State."

Gottlieb said the court ruling "once again underscores our mission to win firearms freedom, one lawsuit at a time."

Late last year California's Attorney General tried to derail the case by filing a motion with the Court, asking that the case be disposed of. Judge Ishii shot down that attempt last December. At the time, Alan Gottlieb was delighted with the victory and noted that Judge Ishii said some "very important things" in his order which foreshadowed our current victory.

"Judge Ishii's comparison of the waiting period to a prior restraint is significant," Gottlieb observed. "He further stated that Harris, in her motion to dismiss the case, had not shown that the waiting period law is effective in reducing gun-related violent crime, or in keeping guns out of the wrong hands where the government has already issued that purchaser a License To Carry or a Certificate Of Eligibility."

Calguns Chairman Gene Hoffman said it is "refreshing to see lower Federal courts taking the burden of intermediate scrutiny or strict scrutiny seriously."

"California has such a byzantine scheme of gun control that it can't justify making people who already own firearms registered with the State of California wait 10 days to buy a new gun after they complete a background check," Hoffman said. "We look forward to bringing some common sense back to how the law abiding buy and sell registered guns in California."

"Judge Ishii has wisely reminded us, as did the late Dr. Martin Luther King,

# LEGAL BRIEFS

that a right delayed is a right denied," Gottlieb concluded. "We are hopeful that the court builds on his sound reasoning to issue a favorable ruling in our case."

## **SAF BACKS LAWSUIT OVER HANDGUN BAN IN NORTHERN MARIANAS**

The Second Amendment Foundation has joined in supporting a lawsuit that challenges the ban on possession and use of handguns in the Commonwealth of Northern Marianas Islands, which was filed in the U.S. District Court for the Northern Marianas.

Joining SAF in supporting this legal action are the National Rifle Association's Civil Rights Legal Defense Fund and Hawaii Defense Foundation. Plaintiffs in the case are Li-Rong Radich and David Radich. Named as the defendant is James C. Deleon Guerrero in his official capacity as commissioner of the Department of Public Safety. Plaintiffs are represented by attorney Dan Guidotti in the Marianas, and Glen Ellyn, Ill., attorney David G. Sigale.

"The Second Amendment does not just apply to the continental United States and Hawaii," noted SAF founder and Executive Vice President Alan M. Gottlieb. "It also applies to territories under U.S. jurisdiction. The issue is a fundamental civil right, not only to possess a handgun, but also to use firearms for self-defense purposes, which is currently banned in the Northern Marianas."

"We are delighted to join the NRA Civil Rights Legal Defense Fund and Hawaii Defense Foundation in this action," added SAF General Counsel Miko Tempski. "We're always eager to work with our friends and allies when it comes to facing a common problem."

Gottlieb noted that SAF was quick to provide grant funding for this legal challenge, explaining that it follows naturally the foundation's challenge of the Chicago handgun ban that was nullified by the U.S. Supreme Court four years ago.

"The Chicago case," Gottlieb said, "incorporated the Second Amendment to the states, and to our territories. If that victory is to mean something, we will challenge any such gun ban. It follows our goal of winning firearms freedom, one lawsuit at a time."

## **FEDERAL COURT RULING OPENS DOOR TO GUN RIGHTS RESTORATION FOR CERTAIN MISDEMEANORS**

The Second Amendment Foundation quietly won a significant federal court victory in a Pennsylvania case in which the judge ruled that a man convicted of a serious misdemeanor crime several years ago, but who has demonstrated that he "would present no more threat to the community" than an average law-abiding citizen, may not lose his Second Amendment rights under a federal gun control statute known as 922(g)(1).

The ruling, by Judge James Knoll Gardner for the U.S. District Court for the Eastern District of Pennsylvania, says that application of that statute to the plaintiff, Daniel Binderup, "violates the Second Amendment."

"This case could provide a building block upon which similar cases in which people are convicted of non-violent misdemeanors might be challenged because they have lost their right to keep and bear arms as a result," said SAF founder and Executive Vice President Alan Gottlieb. "Under existing federal law, many people convicted of state-level misdemeanors have lost their Second Amendment rights, essentially because they've been lumped together with convicted felons."

"One should not lose his or her constitutional rights for certain non-violent indiscretions that occur once in a lifetime," he added.

Following his guilty plea in 1998,

(Continues on page 6)

# LEGAL BRIEFS

(Continued from pages 4-5)

Binderup lost his Second Amendment rights and disposed of all of his firearms legally. In November 2013, he filed a complaint against Attorney General Eric Holder and B. Todd Jones, director of the Bureau of Alcohol, Tobacco, Firearms and Explosives. SAF provided legal support through attorneys Alan Gura and Douglas T. Gould.

## **COURT SIDES WITH SAF ON KEY POINTS IN CHALLENGE OF CHICAGO GUN RANGE LAW**

A federal judge has sided with the Second Amendment Foundation on key points of an on-going legal action against the City of Chicago that challenges the city's municipal code regarding gun ranges inside the city.

The case, *Ezell v. City of Chicago*, challenges the city's code by asserting that the regulations involving installation and operation of gun ranges inside city limits are burdensome. In a 32-page decision, U.S. District Court Judge Virginia M. Kendall concurred with SAF's positions on the city's zoning and requirements regarding hours of operation. SAF had earlier defeated the city's total ban on gun ranges in 2011.

"While SAF did not get complete relief with Monday's ruling," said SAF founder and Executive Vice President Alan M. Gottlieb, "our persistence in this issue, coupled with effective litigation, caused the city to actually repeal many of the rules we challenged, even before the court could address them. That's an indication the city knows there were problems with the code as written, and it demonstrates that when an in-depth analysis of gun laws is undertaken that requires proponents to prove those laws would be effective, they can't."

"Every day on which Chicago loses some of its unconstitutional laws," observed attorney Alan Gura, who represents SAF

in this litigation, "is a better day than the one before. This latest decision brings Chicago that much closer to the rest of America, where responsible, law-abiding people can practically access gun ranges for safety training and recreation. We are studying our options for improving this positive outcome."

In her ruling, Judge Kendall noted that Chicago police officials "admitted that they had no data or empirical evidence that any criminal impact would occur due to the presence of a firing range, or that it would be lessened by placing ranges in manufacturing districts." Indeed, plaintiff's expert Lorin Kramer "testified that he was unaware of any location throughout the country where crime increased as a result of a gun range in that location."

SAF is also represented by attorney David Sigale. Additional plaintiffs are Rhonda Ezell, for whom the case is named, plus Joseph Brown, William Hesper, Action Target, Inc., and the Illinois State Rifle Association.

## **SAF PREEMPTION PROJECT ROLLS ON.**

The Second Amendment Foundation's continuing preemption, or local government compliance, project continues in its attempt to remove anti-gun laws across the country. SAF mails demand letters to cities, counties and other municipal entities whose firearms regulations conflict with state preemption laws. So far SAF has removed well over one hundred anti-gun rights laws and statutes in several states just by threatening to file suit in our courts.

SAF latest triumphs in this project have been covered by media around the country, including the Salt Lake City Tribune. You can read that story by visiting: <http://www.sltrib.com/sltrib/politics/58309720-90/gun-state-utah-laws.html.csp>

# SAF STEPS IN TO RESCUE PIONEERING GUN RIGHTS GROUP

In September, the Second Amendment Foundation announced that it was bringing Jews for the Preservation of Firearms Ownership (JPFO) into the SAF family, bringing together two stalwart gun rights organizations under one banner.

"We're both delighted and proud to announce this," said SAF founder and Executive Vice President Alan M. Gottlieb. "JPFO was founded 25 years ago by the late Aaron Zelman, and it has become a strong voice in defense of the Second Amendment. I'm personally confident that bringing JPFO into the SAF extended family will benefit firearms owners at many levels."

Zelman was posthumously awarded the Citizens Committee for the Right to Keep and Bear Arms' Bill of Rights

Award award at the 2014 GRPC. After Zelman passed away in 2010, JPFO worked hard to maintain its position in the gun rights community. Nonetheless, JPFO's smaller size made it a struggle to maintain operations while shouldering the overhead expenses necessary to provide services to its members. The JPFO board decided to join the SAF family.

"We see this as a tremendous opportunity," said Gottlieb. "With SAF's resources, we expect JPFO to continue its important work and grow to meet new challenges, educating people about the pitfalls of gun control, and the benefits of gun ownership and personal protection."

JPFO operations were transferred from Wisconsin, where it was run by

Zelman since 1989, to the SAF offices in Bellevue, Wash. JPFO editorial support staff will stay on and help maintain organizational continuity.

"A few years ago," Gottlieb noted, "Doctors for Responsible Gun Ownership also merged into the SAF family and it has proven to be a great benefit to the gun rights community."

By joining with the foundation, JPFO will also become a member organization of the International Association for the Protection of Civilian Arms Rights (IAPCAR) and expand its reach internationally.

JPFO will be operated independently, with a separate board of directors, and current members and contributors to the organization will continue to receive all benefits promised, Gottlieb added.

# SAF URGES PROTECTION OF 2A RIGHTS THROUGHOUT THE YEAR

September 17th is federally recognized as Constitution Day. The day is meant to recognize the adoption of the United States Constitution and those who have become U.S. citizens and to celebrate the merits of the World's finest constitution.

In a joint statement recognizing the observance of Constitution Day, the Second Amendment Foundation and Citizens Committee for the Right to Keep and Bear Arms called on all Americans to protect their Second Amendment rights. That call remains just as important on Constitution Day as it does throughout the year.

"Elitist billionaires including Michael Bloomberg are currently waging a war to erode our right to keep and bear arms," said Alan M. Gottlieb, SAF founder and

executive vice president, and also CCRKBA chairman. "By using their vast wealth to launch and support anti-gun-rights ballot measures, or to buy political influence or slick, deceptive advertising, the gun prohibition lobby is devoting enormous energy and financial resources to chip away at the cornerstone of our Bill of Rights.

"For more than two centuries," he continued, "the Second Amendment has protected this nation and its citizens from foreign invasion and tyranny. It has empowered generations of our citizens to defend their homes and families, and to defend freedom around the world.

"While gun banners have tried to relegate the right to keep and bear arms to a heavily-regulated government

privilege," Gottlieb observed, "it is up to each of us to remember that the Second Amendment is equal to all the other individual rights delineated in the Bill of Rights. Those who would erase the Second Amendment have apparently not considered how easily it would be to erase the First or the Fourth or Fifth amendments, once the Second is gone.

"As citizens," he concluded, "we have an obligation to those who have sacrificed their lives through the years to defend the freedom that is protected by the Constitution. And what has made that possible? The Second Amendment. It is the one right that protects all the other rights, and it has set us apart from the rest of the nations of the world."

