



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

August 2017

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John Wentling—Vice President
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Inside this issue:

Federal Legislation	I & 2
It won't happen in AZ?	3
AzCDL Annual Meeting	4
Annual Board Election	4



Pro-rights Federal Legislation

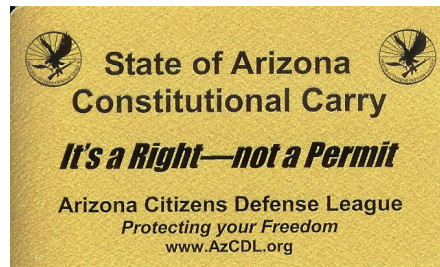


During the eight years of the Obama Administration there was virtually no chance of any pro-rights legislation (firearm or otherwise) getting passed at the federal level. With the election of President Trump we've seen a resurgence of proposed federal pro-rights firearms legislation. Of these, the following have garnered significant publicity.

National Concealed Carry Reciprocity

A major pro-rights federal firearms bill filed this session is [H.R. 38](#), the Concealed Carry Reciprocity Act of 2017. It was introduced on January 3 by Republican Representative Richard Hudson of North Carolina. H.R. 38 has 205 co-sponsors, including Arizona Representatives Trent Franks (R-AZ-8), Paul Gosar (R-AZ-4), Martha McSally (R-AZ-2), Andy Biggs (R-AZ-5) and David Schweikert (R-AZ-6). It has been assigned to the House Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

As written, if H.R. 38 becomes law it would require any state that allows people to carry concealed firearms to recognize permits issued by other states or allow a person to carry without a permit if they are "entitled to carry a concealed firearm in the State in which the person resides..." (i.e., [Constitutional Carry](#)). Where you would be able to carry when visiting other states is still subject to their laws.



If H.R. 38 becomes law it appears that, as a resident of Arizona, you would be able to carry in any state that allows concealed carry, with or without a CCW permit, since Arizona issues permits and is also a Constitutional Carry state.

H.R. 38 contains provisions that place the burden of proof on each state to show that a person discreetly carrying a firearm did not comply with their laws. It also provides for the award of attorney's fees and damages to victorious plaintiffs. *However, the proposed federal law does not prevent you from being arrested in states that refuse to recognize your right to carry.* It only means that, if you can get your case to federal court, the law is more apt to be on your side.

A caveat about H.R. 38, or any similar bill, is that once national reciprocity is covered by federal law, future congresses could potentially amend it with virtually insurmountable permit issuance requirements in order for a state to qualify for reciprocity under federal law.

Another concern we have about H.R. 38 is that in the push for passage there may be a willingness to "compromise," (i.e., surrender your rights) in order to ensure passage. Will we see national gun owner registration, disguised as "universal background checks" added in exchange for support by "sponge spine" Republicans or even some Democrats? If so, we'd rather see the bill fail.

As currently written, and without modifications, AzCDL supports H.R. 38.

(Continued on page 2)



2017 Federal Firearms Legislation



(Continued from page 1)

Suppressor Deregulation

Three bills have been filed, S. 59, H.R. 367 and H.R. 3139, that are each titled as the "Hearing Protection Act of 2017." All propose removing firearm sound suppressors from the control of the National Firearms Act (NFA). One of these, H.R. 3139, filed by Representative Steve King of Iowa, would completely deregulate sound suppressors and classify them as firearms accessories. H.R. 3139 has 8 co-sponsors with Trent Franks (R-AZ-8) being the only Arizona congressman to sign on as a co-sponsor.

Senate bill S. 59 and House bill H.R. 367 are identical bills that propose regulating sound suppressors like firearms. You would no longer need to jump through the NFA hoops and pay a \$200 tax, but you would still need to undergo the same process as purchasing a firearm.

S. 59 was filed by Senator Michael Crapo of Idaho and has 17 co-sponsors. Unsurprisingly, neither Arizona Senator John McCain or Jeff Flake are co-sponsors.

H.R. 367 was filed by Representative Jeff Duncan of South Carolina and has 158 co-sponsors including Arizona Representatives Trent Franks (R-AZ-8), Paul Gosar (R-AZ-4), Martha McSally (R-AZ-2), Andy Biggs (R-AZ-5) and David Schweikert (R-AZ-6).

While we would prefer to see the complete deregulation of the acquisition and possession of firearms sound suppressors it looks like the big money is behind S. 59 and H.R. 367. Their introduction is supported by the American Suppressor Association, a three year old firearms industry sponsored group promoting improvements to state and federal firearms suppressor laws.

Any of these suppressor deregulation bills are improvements to current laws. As written AzCDL supports them.

With the Republicans in Congress seemingly unwilling to support President

Trump, the future of these bills is at best uncertain.

Federal Firearms Legislation

In addition to the national reciprocity and suppressor deregulation proposals, our research revealed almost 150 other "firearm" related bills filed this session. Not all of them are good. The following is a sampling of the "good" bills.

H.R. 258—Would more comprehensively address the lawful interstate transportation of firearms and ammunition.

H.R. 509—Would abolish the ATF.

H.R. 629 & H.R. 1181—The Veterans Second Amendment Protection Act.

H.R. 778 (and S. 593)—The Target Practice and Marksmanship Training Support Act.

H.R. 1045—The Recreational Lands Self-Defense Act of 2017.

H.R. 1137—The Collectible Firearms Protection Act.

H.R. 1537 (and S. 162)—The Second Amendment Enforcement Act of 2017.

H.R. 1976—The Protecting the Second Amendment Act.

H.R. 2097—The ATF Wrongful Classification Act.

H.R. 2098—The Second Amendment Defense Act of 2017.

H.R. 2909—The D.C. Personal Protection Reciprocity Act.

H.R. 3054 (and S. 1435)—Would provide a 90-day amnesty period during which veterans and their family members can register in the National Firearms Registration and Transfer Record any firearm acquired before October 31, 1968, by a veteran while a member of the Armed Forces stationed outside the continental United States.

S. 80—Would protect the right of individuals to bear arms at water resources development projects.

S. 159—The Firearms Manufacturers and Dealers Protection Act of 2017.

S. 202—The Social Security Beneficiary Second Amendment Rights Protections Act.

S. 394—The Protect Our Military Families' Second Amendment Rights Act.

S. 446—The Constitutional Concealed Carry Reciprocity Act of 2017.

S. 618—The Lawful Interstate Transportation of Firearms Act.

S. 1214—The Hunting, Fishing, and Recreational Shooting Protection Act.

S. 1541—Would modify the definition of an antique firearm.

S. 1592—Would prohibit the federal government from requiring race or ethnicity to be disclosed in connection with the transfer of a firearm.

There were also some bills we found that would allow ONLY members of congress to carry concealed pretty much when and wherever they want.

As we've experienced with Arizona legislation, we suspect many on this list are "vanity" bills where the sponsor wants to appear to support your right to keep and bear arms but is more than willing to let their bill die without any action.

If you would like to research federal bills please visit <http://www.congress.gov>. Other resources are the NRA's Institute for Legislative Action ([ILA](#)) and Gun Owners of America ([GOA](#)).

AzCDL's focus remains on [Arizona legislation](#). However, we have added a "Federal Legislation" page to our Legislative Action Center that allows you to track the progress of the reciprocity and suppressor bills and other key bills we may identify in the future:

<https://cqrcengage.com/azcdl>

If you are not receiving AzCDL's legislative email alerts, you can subscribe at:

http://azcdl.org/html/subscribe_to_alerts.html

It'll never happen in Arizona?

Too often when discussing Bloomberg's promise to get a "universal background check" ballot measure passed in Arizona, we hear "Oh, that'll never happen in Arizona" as if there is a magic force field over the state that will keep our fellow citizens from doing something really stupid in the voting booth. If that was the case, why are so many Arizona politicians being elected that are attacking your rights?

It has already happened

For decades, our "right" to keep and bear arms has been slowly and systematically decimated in Arizona. Article 2, Section 2 of the Arizona Constitution says that the purpose of government is to protect and maintain individual rights. For the last 51 years the Arizona House of Representatives has been controlled by the Republicans. That means that every bad law that has stripped us of our rights since 1966 was passed either at the instigation, or with the blessing, of the Republican Party. And they are supposed to be the "good" guys?

What "right" to bear arms?

Article 2, Section 26 of the Arizona Constitution says that our right to bear arms "shall not be impaired" yet state law is full of "impairments" to this fundamental right. What do you think would happen if you openly carried into a restaurant that serves alcohol? How about into your polling place on Election Day? How about a college campus? How about refusing to disarm in a state or local government building with "no gun" sign?

And, let's not forget carrying without a "permit." In 1990, an Arizona appellate court ruled that restricting "concealed" carry was not an impairment to your right to bear arms. The Arizona Supreme Court declined to review it, making it the law throughout Arizona.

In 1994, the Arizona Legislature, instead of affirming the right to bear arms openly or discreetly, declared that if you expected your clothing to cover your firearm you were required to undergo 16



hours of training, followed by a written and shooting test, and submit a request for the privilege to carry concealed—but only for 4 years. After that, you had to take another 4 hour class, pass another test, and submit another set of fingerprints. This entire process had to be repeated every 4 years.

The same year that the permit system was created (1994), Arizona appellate courts ruled in two decisions that if your openly carried firearm was not visible to an observer it could be considered to be concealed, and if a firearm in your vehicle could not be seen from outside the vehicle it was concealed. The only sure way to carry openly or in your vehicle without breaking the law was to obtain a CCW permit.

Then, in 1997 the Legislature, at the urging of law enforcement, declared that you no longer had the right of "innocent until proven guilty" in a self-defense situation. The burden of proof was now on you to prove your innocence—after you admitted to the "crime."

Firearms preemption was Balkanized with the approval of the Legislature. Cities like Tucson were able to ban firearms, carried by law-abiding citizens, from their parks.

Enter AzCDL

There were those of us who decided it was time to restore what had been lost. In 2005 we formed the Arizona Citizens Defense League (AzCDL). That same year we experienced our first legislative victory, an improvement in the CCW laws. The following are just highlights of what we have accomplished over the last decade. For a complete list visit AzCDL's [Accomplishments](#) page:

- Constitutional Carry – Restoration of the right of law-abiding adults to carry openly or discreetly without seeking government permission.
- Passage of a Constitutional Amendment to protect victims who defend themselves from being sued by their attacker.
- Restoration of "innocent until proven guilty" in self defense situations.
- Adding the presumption that a victim acted reasonably when using physical or deadly force.
- Strengthened castle doctrine, "stand your ground" and justifications for the use of force.
- Establishment of a justification for the defensive display of a firearm.
- Universal recognition of CCW permits issued by other states.
- Prohibiting state and local governments from confiscating lawfully held firearms during an emergency.
- Strengthened state preemption of firearm and knife laws.
- Prohibiting state and local governments from maintaining records of firearms or their owners.
- Requiring operators of public property that ban firearms to provide storage for your firearms that is readily accessible.
- Preventing private or public employers from banning firearms in a locked vehicle.
- Prohibiting seized firearms from being destroyed.
- Massive CCW reforms. Your CCW permit is good for 5 years. Multiple forms of training are accepted. Fingerprinting and training are no longer required to renew your permit.

Consider this. If "*it's never going to happen in Arizona*," why was it necessary to spend the last eleven years restoring your right to keep and bear arms? *Why do you think your fellow citizens won't vote for a "universal background check" ballot measure?*

Join us at AzCDL's Annual Meeting in Tucson!

Mark your calendars!

AzCDL members and their guests are invited to attend AzCDL's [Twelfth Annual Meeting of Members](#) on

Saturday, October 21, 2017

This year's annual meeting will be held at the University Park Marriott, 880 E. Second Street, Tucson.



As with all our annual meetings, the tasteful open carrying of holstered firearms is appreciated

All luncheon attendees will be eligible for our door prize drawings.

The keynote speaker this year is attorney [David T. Hardy](#), a graduate of the University of Arizona Law School who has practiced law since 1975. He has served as an attorney with the U. S. Department of Interior. David is an ardent defender of the Second Amendment and widely published. His writings have figured prominently in numerous court cases and have been cited by Justice Clarence Thomas in [McDonald v. Chicago](#) that found for the individual right to possess "arms."



He has also written extensively about the federal government's infamous [1993 raid](#) of the Mount Carmel compound outside Waco, Texas that resulted in the tragic death of 90 men, women and children during the Clinton presidency.

We are expecting a huge turnout!

Entrée selections this year are Grilled Flank Steak, Herb Chicken or Manicotti Romano (vegetarian).

Early bird tickets are \$25 per person and are available at AzCDL's new [event website](#).

If you are paying by check, or need further information, please email Fred at treasurer@azcdl.org, or leave a text or voice mail message at (623) 242-9086.

Silent Auction Donations Wanted!

We are conducting a silent auction in conjunction with our annual meeting of members. Proceeds help offset the cost of the annual meeting.

If you have an item you would like to contribute to this year's silent auction, please email treasurer@azcdl.org, or leave a text or voice mail message at (623) 242-9086.

This year's silent auction will be streamlined and automated. Bidding will be via texting. From the comfort of your chair at the annual meeting you will be able to bid and to be notified if someone submits a higher bid. If you are the successful bidder, you may pay via your smart phone or through one of our volunteers.

If you have an item you would like to donate for the silent auction, please take a photo of it and either email it to treasurer@azcdl.org or attach to a text directed to (623) 242-9086. We would like to have photos and descriptions of all the silent auction items available online [prior](#) to the meeting for bidders to see.

See you at the annual meeting!



AzCDL 2017 Director Election Results



To promote continuity in leadership, the terms of office for AzCDL's directors are staggered. This year, the terms for the director positions held by Fred Dahnke and Tom Woodrow expired. Both sought reelection. No other nominations were received.

Per AzCDL's bylaws, a balloting process is not required when any individual runs unopposed. As a result, Fred and Tom have been reelected to 3 year terms.

The expiration dates for all AzCDL directors' terms of office are as follows:

2018—Dave Kopp
2019—John Wentling & Drake Mitchell
2020—Fred Dahnke & Tom Woodrow

Pursuant to AzCDL's bylaws, following the election of directors, the Board appointed the following officers to one year terms:

Dave Kopp—Chairman of the Board
Dave Kopp—AzCDL President
John Wentling—Vice President
Tom Woodrow—Secretary
Fred Dahnke—Treasurer
Cap Lund—Assistant Treasurer
Charles Heller—Media Coordinator

Changing of the Guard

Subsequent to AzCDL's annual Board election, AzCDL co-founder, Director, Vice-President and Capitol lobbyist John Wentling resigned from the Board to deal with ongoing health issues.

AzCDL Life Member Ed Martinez has been appointed to fill the Director position vacated by John Wentling. Ed joined AzCDL in 2006 and is our primary Phoenix area gun show coordinator.

Since he's been volunteering, Ed has recruited over 1,000 new members and in 2016 was recognized as AzCDL's Volunteer of the Year.

The term of an appointed Director is until the next Board election. Ed's term will expire in 2018 and he will subject to election per AzCDL's bylaws.

