



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

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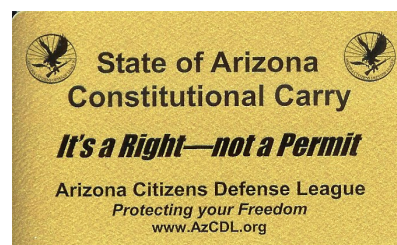
Arizona Rated Best State For Gun Owners—Again!

Thanks to AzCDL Arizona is rated as the #1 state for gun owners

For the FIFTH consecutive year [Guns and Ammo magazine](#) has rated Arizona as the #1 state for gun owners.

States were measured by the following criteria:

- Right To Carry.
- Treatment of "black rifles" (ARs, AKs, etc.).
- Treatment of Class 3/NFA firearms.
- Castle Doctrine/Stand Your Ground.
- Miscellaneous issues such as constitutional protections, preemption, restrictions on gun or ammo purchases, magazine capacity, CCW reciprocity, availability of places to shoot, etc.



Arizona's five year #1 rating is primarily because of what AzCDL has [accomplished](#). Prior to AzCDL's involvement, national pro-rights firearms organizations were content with the status quo in Arizona and made almost no effort to push for improvements.

As a result, Arizona's CCW system was onerous and discouraged applications. Permits were only good for 4 years and required training, testing and additional fingerprinting to renew. Court cases narrowed the interpretation of open carry to a point where the only way to safely openly carry your firearm and avoid arrest was by having a CCW permit. In self-defense situations, the burden of proof was on you to prove your innocence – after you admitted to the "crime." Firearms preemption was Balkanized. Castle doctrine and "no duty to retreat" laws were weak.

AzCDL was created in 2005 by activists who were not satisfied with the status quo. Just 5 years later, in 2010, we achieved Constitutional Carry. CCW permits are now optional and the process to obtain a permit is more realistic. Arizona permits are recognized by almost three-quarters of the states. Arizona is also one of the few states that recognize all permits from all states – again thanks to AzCDL.

Because of AzCDL's efforts, you are now "innocent until proven guilty" when defending yourself. Firearms preemption has been strengthened. We were even successful in getting the Arizona Constitution changed to protect law-abiding citizens from law suits when they defend themselves. Visit our [Accomplishments](#) and [Why AzCDL](#) web pages to learn more about what AzCDL has accomplished.

We are proud that AzCDL's efforts, with the support of our members, have again garnered this high rating for Arizona from such a prestigious publication. However, from our perspective, there is a lot more that needs to be done to make Arizona truly a free state when it comes to honoring your constitutionally protected right to bear arms. With your [continued support](#) we can achieve that goal.

Can we count on you?

Fix NICS?

NICS Does Not Stop Criminals

With one exception, mass murderers over the last decade from Virginia Tech in 2007 to the recent shootings in Nevada and Texas passed NICS (National Instant Background Check System) checks to *purchase* their firearms. The exception was the school shooter in 2012 who *stole* his firearms.

Even when NICS denies a firearm sale, there is almost a 100% chance it is in error. According to a [Justice Department Study](#) of the 76,142 NICS denials in 2010, only 62 (8/10ths of 1%) were charged with a crime. Per Professor [John Lott](#), over 99% of those denied by NICS are false positives, such as people with names similar to a prohibited possessor. The late Senator Ted Kennedy experienced something similar when he found himself on the federal “no fly” list.

With politicians, “How stupid can you get?” seems to be viewed as a challenge. Despite NICS being a massive failure at stopping criminals from buying guns, politicians are now pushing to “fix” NICS. Instead of putting the focus on real criminals they want NICS to have more data about you, the law-abiding gun owner, particularly your “mental health.”

The Mental Health Ruse

Politicians are telling us that if more mental health data about you was provided to NICS we could prevent another mass murder. The definition of “mental illness” is largely in the eye of the beholder. Those who want to disarm you believe that your mere desire to possess a firearm is proof you are mentally ill.

The Obama Administration successfully reclassified Veterans as prohibited possessors for mental health reasons because they had difficulty balancing their checkbooks. Social Security recipients were also targeted.

Where does it end? Maybe we should feed everyone’s medicine prescriptions into NICS? After all isn’t someone taking anti-depressants mentally ill? And, maybe have the Postal Service report on the magazines you subscribe to? How about the TV programs you watch, the books you read or the websites you visit? In today’s automated world, all of that is readily available.



And let's not forget the organizations you belong to or the places where you worship.

Maybe the feds should speak to your family and neighbors before authorizing your firearm purchase?

The NICS Success?

While NICS may be a failure at stopping criminals, its true success has been the centralized recording of the names and personal information of millions of law-abiding Americans who have voluntarily submitted to background checks to purchase firearms.

Your data is supposed to be deleted upon a NICS approval of a firearms transfer. However, no government computer record is ever completely deleted. Federal agencies have “disaster recovery” procedures to avoid loss of data. Most likely every NICS transaction resides on a back-up system, disk or tape drive (remember all those Lois Lerner “lost” IRS emails that were recovered from back-up tapes?) ready to be retrieved by a future Administration that doesn’t support your right to keep and bear arms.

Federal law also prohibits federal gun owner registration. However government officials have argued that since NICS does not contain information on every firearms owner, and it was not *intended* to be permanent, it can’t possibly be a “registration” system. And, you know that no one in the government would ever lie to us or violate the law. Right?

Stopping Criminals

Background checks don’t stop criminals. Armed citizens stop criminals.

In 1997, the assistant principal of Mississippi’s Pearl High School, Joel Myrick, used the pistol he kept in his truck to detain a teenager who killed two students and injured seven at the high school.

A decade later, in 2007, a gunman killed four people at a Colorado church before being shot by church member and volunteer security guard Jeanne Assam.

Last April, an Uber driver with a concealed-carry permit shot and wounded a gunman who opened fire on a crowd of people in Chicago’s Logan Square.

In September, an usher at a Tennessee church used his personal firearm to subdue a masked gunman who had already killed one woman in the church’s parking lot and injured six others inside.

And just recently in Texas, an armed citizen ended a shooting spree that killed 26 people at a local church.

What enables criminals are laws that prevent law-abiding citizens from having the means to defend themselves and their loved ones. The focus should be on *repealing these bad laws*, not creating Orwellian databases that serve no purpose other than targeting those who wish to exercise their constitutionally guaranteed rights.



Your role in Arizona's legislative process

The next Arizona legislative session will officially get underway on Monday, January 8, 2018.

The following is a synopsis of the Arizona legislative process, along with some insight into the legislative rules and procedures that can help or hinder a bill's progress. During this process there are several opportunities for you to make a difference.

It starts with the Constitution.....

Article IV, Part I, Section I of the Arizona Constitution states that "the people reserve the power to propose laws..."

Every session, AzCDL brings proposed changes to the law to legislators. If the sponsor is willing, the proposed bill gets officially "introduced" and assigned a number. Finding the right sponsor is important. We've seen great bills go nowhere because they were sponsored by someone the Leadership disliked.

Once a bill is filed, AzCDL's lobbyists work with legislators in both chambers (House and Senate) getting co-sponsors. The greater the number of co-sponsors, the greater the likelihood the bill will succeed.

Once a bill is introduced and numbered in the originating chamber it goes through a couple of perfunctory "reads" by the full chamber then the Leadership of that chamber assigns it to a committee.

Session deadlines are set for bills to progress. If a bill does not get timely assigned to a committee it dies. Over a thousand bills are filed each session. The majority political party controls the process and the flow of legislation. Guess what would happen to firearms bills if pro-rights legislators were not in the majority?

The committee assignment of a bill can facilitate or impede its progress. When a bill is not assigned to the usual committee, or it is assigned to multiple committees, it can be an indicator of the Leadership's lack of support for the bill.

Bills must pass out of their assigned committees in order to progress. Once assigned to a committee, the committee chair determines if a bill will ever get a hearing.

Bills not heard in their assigned commit-

If you are not engaged in the political process then don't whine when you are politically processed.

tees by the session deadline do not advance.

As you can see, much of the progress of a bill to this point is based on the whim of each chamber's Leadership and committee chairs. These are also opportunities where collectively we can help the Leadership "remember" to assign a bill to a committee, or a committee chair to "remember" to schedule a bill for a hearing.

Committee hearings present an opportunity for bills to be amended. Those opposing a bill may try to add weakening amendments that distort or dilute the original intent. Proponents may offer amendments to broaden support for the bill.

Once a bill has survived the committee process, it is scheduled for a "Committee of the Whole" (COW) hearing, where all the legislators in the chamber can debate the merits of the bill and offer amendments.

This is an important point in the process where we all need to contact our elected Representatives and Senators.

With pro-rights firearms bills, COW hearings usually means a lot of grandstanding, wailing and hand wringing by anti-rights legislators about the evils of "allowing" ordinary citizens the ability to exercise their Constitutionally guaranteed right to keep and bear arms. In short, they prefer disarmed subjects, not armed citizens.

After passing out of the COW, a bill must survive a final formal vote (Third Read) before it can leave the chamber. If a bill makes it this far, it's only half the battle.

Once a bill passes out of the originating chamber (e.g., House), it is sent over to the other chamber (e.g., Senate) where the entire process plays out again, along with more opportunities for you to affect the outcome.

Bills surviving unchanged through both chambers are sent to the Governor.

However, if for example, a House bill is amended by the Senate, there is a reconciliation process followed by further votes before the bill can be sent to the Governor.

As we mentioned, pressure from you can help the Leadership "remember" to assign a bill to a committee; for a committee chair to "remember" to schedule a bill for a hearing; for committee members to realize that there is tremendous grassroots support for a bill; and for your legislators and the Governor to understand that you want them to support a bill.

AzCDL lobbyists work at the Capitol to monitor legislation, testify at hearings, promote bills we support and call attention to bills we oppose.

However it is your participation, contacting committee members and legislators, that has the biggest impact on the fate of proposed legislation.

AzCDL believes law-abiding citizens have to right to carry a firearm, openly or discreetly, wherever they have a right to be. That means, regardless of what our anti-rights opponents are going to propose, not only do we want to defeat their bad bills, we want to see more good bills filed and become law that promote our firearms freedoms.

In order to do this, we need your support as an *activist*, not just a member. This coming session, not only are we pushing bills to further restore your right to keep and bear arms, we are fighting to derail what has happened in Washington, Oregon, and Nevada, what almost happened in Maine, and what will be attempted in Arizona—gun owner registration via "universal background checks."

As the session progresses, we will be asking you to use our Legislative Action Center to send targeted, pre-written emails to legislators and the Governor. All it takes are a few mouse clicks to make a difference.

<http://cqrcengage.com/azcdl/home>

AzCDL has over 14,000 members. That can make for one very loud voice at the Capitol—but only if everyone reading this commits to getting involved.

Can we count on you?

Creating Prohibited Possessors in Arizona

The federal government isn't alone in creating ways to prevent you from possessing a firearm. The Republican controlled Arizona Legislature also pushes for new ways to disarm you.

In a [2013 press release](#), Pinal County Deputy Attorney Geraldine Roll let the mask slip and stated that, "We are making prohibited possessors in the state every year..."

"Making prohibited possessors" is increasingly the name of the disarmament game here in Arizona but we certainly won't be hearing that phrase much again from our public servants, since it represents a highly uncharacteristic level of candor on their part.

The Mental Health Ruse Arizona Style

Within the last decade, there have been several expansions of the prohibited possessor statutes in Arizona relating to mental health. Some are fairly straightforward, like ARS 13-3101.A.7(g), which disarms those who've been found guilty of a crime but have been determined to be "insane."

More chilling, ARS 13-3101.A. 7(a), as amended in 2009, allows courts to strip citizens of their rights if they have a "mental disorder." There is also an inaptly-named "rights restoration" statute associated with this statute. We have been informed by someone who has experience with it that it's essentially a

rights-denial pit with no bottom, unless one is fortunate enough to have thousands of dollars to spend on legal representation, and to also find a doctor willing to take on the liability nightmare of supporting such a petition. ARS 31-3101.A. 7(a) was the statute that Deputy Attorney Roll was referring to in her press release.

And, then there is ARS 13-3101.A.7(f) that disarms those who have been found "incompetent" under criminal prosecution "rules."

Felony Creep (It's not a new dance step)

Perhaps the most insidious expansion of prosecutors' power to "make prohibited possessors" comes from what is labeled "felony creep." This is the steady passage each session of more felony statutes as well as the reclassification of existing misdemeanors as new felonies. Per the Arizona Legislative Council, at the end of the 2017 legislative session there were [513 ways to become a felon](#).

In a state where even many legislators on the left are terrified of looking soft on crime, felony creep has arguably eroded your right to keep and bear arms more than anything else. Normally pro-rights legislators usually have strong law-and-order inclinations and can be

persuaded by the Arizona Prosecuting Attorney's Advisory Council (APAAC) to go along with this form of stealth "gun control." And all those campaign contributions from the prison industry lobby don't help matters either. More felony statutes create more prison inmates.

According to Phoenix based pro-freedom criminal defense attorney [Marc Victor](#), there are many felony pitfalls that ordinary, decent citizens can find themselves ensnared in. From a pro-rights standpoint, perhaps the worst of these is the [reckless discharge statute](#). Even if it was an accident and no one was harmed, prosecutors are not going to go easy and allow you to plead out to a misdemeanor. According to Attorney Victor, without recklessness, intentional conduct, or injury, prosecutors nearly always file the felony charge.

As Ayn Rand pointed out, "The only power any government has is the power to crack down on criminals. Well, when there aren't enough criminals, one makes them. One declares so many things to be a crime that it becomes impossible for men to live without breaking laws."

We thank AzCDL Life Member Michael Ryan for providing this article for the newsletter.

Win a "Tommy Gun"

Get your tickets before they're gone!

For our fundraising raffles, AzCDL has migrated to a paperless, online and automated system. This means we can have more raffles and *more chances for you to win!*

Your online raffle "ticket" purchase is registered instantaneously. Once the prescribed maximum number of tickets are sold the winner is selected randomly and automatically.

Our current raffle is for an Auto-Ordnance Thompson 1927A-1 "Tommy Gun." This semi-automatic replica has a steel receiver chambered for .45 ACP and comes with a detachable walnut



stock and vertical fore grip. Also included is a 50 round drum magazine and a violin case for storing your "Chicago Typewriter." A Zoot suit and fedora are not included. The suggested retail price for the rifle alone is over two thousand dollars.

Tickets are only \$10 each Get yours today!

Raffle information and instructions for buying tickets can be found at our website's Raffle page:

<http://azcdl.org/html/raffles.html>

AzCDL is self-funded and fiercely independent. We are not beholden to any political party. No outsiders, no sugar daddies, no corporate string pullers, no national organizations, and no New York billionaires. Raffles are our fundraisers. Help support AzCDL - buy raffle tickets!