



Arizona Citizens Defense League

Protecting Your Freedom

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AzCDL's Membership Newsletter

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2015 Session Fizzles



The 2015 Legislative session started with a newly elected Republican Governor, and Republican majorities in the Senate and House. By the end of the session we had to check to see if Arizona had somehow been annexed by California.

Some Good News

While in past sessions we saw many anti-rights bills filed attacking your right to keep and bear arms, this year we experienced a focused attack with one major theme—criminalizing private firearm transfers. Four bills were filed containing virtually identical language requiring background checks on private firearm transfers. Disobedience would be a Class 5 Felony. We believe these bills were a prelude to a Bloomberg financed ballot measure to establish gun owner registration in Arizona. Fortunately, we were able to keep these bills from progressing.

We were also able to stop legislation that would nullify “no duty to retreat” and restrict when a juvenile could handle a firearm, along with a “noise ordinance” aimed at shutting down shooting ranges.

Of the [pro-rights firearms bills](#) filed, three were signed by the Governor.

HB 2396 removes the restrictions on the type of firearm a wildlife guide may carry.

HB 2399 adds hunter harassment to the list of crimes that can suspend or revoke a hunting license.

HB 2527, an AzCDL-requested bill, prohibits state agencies and political subdivisions (counties, cities, etc.) from regulating the transfer of firearms.

Covering for the Governor?

This year, the Legislative Leadership went to great lengths to prevent most significant pro-rights firearms bills from reaching the Governor.

HB 2320, the AzCDL-requested bill that would exempt CCW permit holders from being disarmed on state and local government controlled property unless everyone entering was screened for weapons, died in the final days of the session when three Republican Senators ([Adam Driggs](#), [Steve Pierce](#), [Bob Worsley](#)) joined with the Democrats to kill the bill during a Senate floor vote. HB 2320 was virtually identical to a bill that passed out of both chambers and was sent to Governor Brewer last year. Governor Brewer made no bones about her dislike of armed citizens entering public property—she vetoed the bill. This year the Legislature made sure Governor Ducey won't have to take a position on the subject—at least for now.

HB 2431 was the AzCDL-requested legislation that provided our best opportunity to derail the pending Bloomberg financed gun owner registration ballot measure. It would have established an interstate compact restricting member states from enacting firearm transfer requirements that exceed federal law. Compacts between states supersede individual state law.

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Spines Wanted, Inquire Within

Many politicians like to claim the mantle of "Second Amendment Supporter," some even to the point of ridiculousness (e.g. Barack Obama, Joe Biden, Harry Reid, etc.). The claim typically begins with a line like, "I own guns, I like to hunt, and I support the Second Amendment, *but ...*," and usually goes downhill from there.

Leaving aside for the moment the question of why the mere ownership of a firearm or three is supposed to magically confer "Second Amendment Supporter" status on someone (does someone who owns multiple pens automatically become a supporter of free speech?), we have here in Arizona an unusually large number of the aforementioned "Second Amendment Supporter" claimants, including a multitude of those who stretch the terms well beyond the borders of rationality. I mean seriously, does anyone believe that a politician who introduces bills to bar the ownership, possession, use, transfer, carrying, etc., of firearms from any class of person is a "Second Amendment Supporter," no matter what that person may claim? Does "shall not be infringed" ring a bell? Or how about "shall not be impaired" from our own [state constitution](#), just in case the federal constitution escaped their attention?

But those people are too obvious to worry about, and are not the subject of this particular query. No, what I'm worried about, what we should all be worried



about, is that particular breed of politician that is a "Second Amendment Supporter" right up until the second that support ceases to work in his best interest. When the going gets tough, the search for his backbone begins.

We began to see the appearance of this odious breed in earnest during this past legislative session, with the failure of several crucial bills. HB 2320, HB 2431 and SB 1291 all suffered various forms of legislative death, one through a seemingly obvious floor vote, and the others through a more insidious form of

"death by inaction" that is typically only accomplished with the willing assistance of majority leadership. You know, some of those very folks who keep claiming to be "Second Amendment Supporters."

There's a lot of speculation flying around the rumor mill as to why these bills died. Some say that a deal was cut with the various Chambers of Commerce, who hate all things gun related, to kill all "controversial" (at least as the media had it) gun bills. Others say that Governor Ducey was behind it all, not wanting to be put in the position of having to actually sign or veto such bills, and thus take an actual stand on our right to keep and bear arms. Still others say that the Governor and the Chambers were working together to keep good gun bills from getting out of the legislature.

In the end, it doesn't much matter who's behind it all. What matters is the result. And the net result is a big win for carpetbagger billionaire Mike Bloomberg and his AstroTurf groups. When good gun bills get stopped, he wins. His highly paid Arizona lobbyists ([Dorn Policy Group](#)) win. His couple dozen acolytes that show up over and over again at the legislature to complain about Arizona's status as the "gun friendliest state in the nation" win. The big money corporate interests who don't want their boats rocked win. And the same bu-

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2015 Legislative Session Review



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When Bloomberg's puppet organization, Everytown for Gun Safety, got wind of HB 2431 they lobbied heavily against the bill. After successfully making it through House committees and floor votes, the Senate Leadership suddenly stopped progress on HB 2431 while the clock ran out on the session.

Also getting the axe this session was

the only Arizona gun bill that the NRA actively supported, **SB 1291**, which would have allowed for injunctions, fines and civil suits if a political subdivision violated state firearm preemption statutes. SB 1291 made it through both chambers but was "misplaced" during the final hours of the session and didn't get sent back to the Senate in time for a final vote.

Finally, **SB 1330**, that would have made future federal acts that violate the Sec-

ond Amendment invalid in Arizona, was stalled by the House Leadership while the clock ran out on the session.

While the Legislative Leadership may be high-fiving each other thinking they pulled the wool over the eyes of Arizona's gun owners, we see it differently.

In 2016 we'll see where their true allegiances lie, with Bloomberg or Arizona's gun owners.

The Gathering Storm

The Bloomberg Threat

Most of us are, by now, very familiar with what happened in the state of Washington in 2014. A ballot initiative, I-594, was submitted to the voters, backed by a massive public relations campaign that claimed it was all about “expanding background checks” at gun shows, to internet sales, and other such innocent sounding things. Of course, the details of the eighteen page proposal were far more onerous, but who had time to read it while they drowned in the seemingly endless media blitz that was bought and paid for by Michael Bloomberg and his billionaire buddies?

In a [press release](#) dated November 5, 2014, Everytown for Gun Safety and Moms Demand Action for Gun Sense in America, the latest incarnations of Bloomberg’s crusade for gun control, crowed about the election day success of I-594, saying, “*Everytown spent more than \$4 million, placed half a dozen full-time staffers on the ground for the past year, and produced state-of-the-art research to support I-594, Washington State’s ballot measure to reduce crime and save lives by closing the background check loophole.*” Ignore the hyperbole for a second and think about that. ***This one organization dedicated six full-time employees and spent more than \$4 million dollars to accomplish nothing else besides this one mission.***

This, of course, mentions nothing about the millions of dollars donated to this effort by half a dozen other billionaires, such as Bill Gates and Steve Ballmer of Microsoft fame, and Nick Hanauer, a wealthy venture capitalist. The combined resources of these elitists, who, of course, all travel with their own security forces, far outstripped the ability of the vaunted NRA and their allies to compete against. They managed to raise a combined total of about \$2 million, and were quickly snowed under. And we haven’t even discussed the biased media coverage that they faced.

However, a far more ominous statement, at least as far as Arizona’s citizens are concerned, also lurked in that press release ...

“The background check victory in Washington State also represents a

new frontier in the fight for public safety measures that can help prevent gun violence. Everytown is taking the fight for background checks to Nevada next – where signatures are being gathered for a 2016 ballot initiative – and to Arizona and Maine after that, among other states.”

This warning has been repeated in media across the nation. Think it can’t happen here? Better think again ...



The Storm is Coming

Bloomberg’s disciples are already laying the groundwork for such an initiative here in Arizona. In the 2015 legislative session, no less than four so-called “[background check](#)” bills were introduced, differing only in minor details, but all sharing the same basic features. Each would require any transfer of a firearm (we’re not just talking about sales ... if you’re out plinking in the desert, and you hand your friend a gun, that’s a transfer) to go through a federally licensed gun dealer, and any violation would be a felony offense. That means you would lose your right to bear arms on conviction. These bills were introduced by members of an anti-rights minority, knowing full well that they stood little chance of passage. But they served another purpose. They opened the door for Bloomberg’s minions to be able to say that the legislature failed to take any action on their priorities, which they will, of course, claim are everyone’s priorities, so they now must take their bill to the ballot.

Presumably, we should hand over our right to do as we will with our own private property, and surrender yet another portion of our right to bear arms, for some presumed benefit, but the proponents of this scheme have yet to make clear what this is. It can’t possibly be catching more criminals, because the current background check system only has an approximately 2% denial rate, and of those denials, roughly one quarter are appealed, and roughly one third of those are reversed. In fact, in a [2010](#)

[study](#) by the Department of Justice, they found that only *forty-four* cases were actually prosecuted that year, resulting in only thirteen convictions. So much for catching bad guys.

So why the big push to get every transfer to go through a dealer? Could it have something to do with the fact that the dealer is required to record all the information on the gun and the transferee into his record books? And with the fact that all that information winds up with the BATFE eventually? Let’s call it what it is ... *registration*. You can’t have effective registration if all the privately owned firearms aren’t included. Now you know why they keep calling it a “loophole.”

Keeping Our Heads Above Water

We know [registration](#) is the end game. We know their resources are basically unlimited. We know ours are not. So how do we fight AND win? To paraphrase Sun Tzu, never fight the enemy on ground of their choosing. Make them come to you, and fight you on your terms.

During the 2015 legislative session, AzCDL promoted HB 2431, the Uniform Firearms Transfer Compact, sponsored by Rep. Bob Thorpe. This bill provided our best opportunity to derail the coming Bloomberg financed ballot measure to establish gun owner registration in Arizona *before* it happens. The passage of HB 2431 would have created an interstate compact that restricts member states from enacting firearms transfer requirements greater than existing federal law. In essence, this would create a ceiling that state law could not exceed. Current federal law has no limitations on intrastate private party firearm transfers between law-abiding citizens. Any states that join the compact would be pledging to each other to keep it that way. Since compacts are considered binding contracts between states under the U.S. Constitution, they cannot be undone by succeeding legislation, including ballot initiatives, unless provided for in the compact itself.

So Bloomberg and his billionaire buddies can spend all they want to put their registration scheme on the ballot, but if we can get a state compact bill passed, they’ll have to spend millions more bat-

Spines Wanted

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reaucracy that uses our tax dollars to lobby against our rights wins. Thanks to those so-called "Second Amendment Supporters."

Now these folks will inevitably complain that they supported us before, that they voted for the bills when they (finally) got to a floor vote, that they've always been there in the past, etc., ad infinitum. But they know what I'm talking about, and they aren't fooling anyone. When the time came for real action, to be ready to stand in the breach and defend our rights against a very real threat, these so-called "Second Amendment Supporters" took a powder, and handed the other side a victory.

We have *never* faced an enemy of our right to bear arms like this one before. Bloomberg has more money than many nations. He can literally buy the "gun lobby" many times over. He can, and will, dump millions into his anti-freedom crusade here in Arizona, and shrug it off like it was nothing, like you or I would spend money buying a box of ammo. And this is before we even begin to consider the ballot initiative we know he's planning on [bringing here soon](#).

Legislative leadership, and the Governor, were well aware of all of these facts. We made sure of it. Yet, despite their claims of being on our side, despite all their promises of support, and despite

thousands of emails from you, their constituents, the end result is now plain.

Clearly, being a "Second Amendment Supporter" requires more than talk. Dedication to principles would certainly appear to be a requirement as well. Yet, when the going actually got tough, the tough talkers lost their spines. Imagine that!

Current legislative leaders could take a lesson from former Senate President Russell Pearce, who, though the target of frequent criticism for his tough stands on many other issues, would *never* be led around by the nose by *anyone* when it came to our right to keep and bear arms. No matter how much the media lambasted him, no matter how many protesters hammered him, his unwavering dedication to our Second Amendment rights was absolute. He was, and remains, a true "Second Amendment Supporter."

Our newly minted Governor could also take a lesson from a few other Governors around the country. No matter the actual truth of the rumors surrounding the demise of this sessions' gun bills, the fact is that Governor Ducey spent the entire session telling all and sundry that he would not take any position on any gun bill until it reached his desk. Governor Scott Walker of Wisconsin, Governor Sam Brownback of Kansas, Governor Greg Abbott of Texas, all of them said loudly and clearly, right from the start of their respective legislative

sessions, "Send me some good gun bills, put them on my desk, I want to sign them ..." No waffling, no dissembling, no misunderstanding.

Guess who qualifies for the title of "Second Amendment Supporter?"

Guess who doesn't?

In the final analysis, qualifying as a "Second Amendment Supporter" takes much more than just talking about it. It takes more than owning a few guns, or enjoying some time in the duck blinds. It even takes more than supporting bills when the votes are easy, and no one is putting pressure on you to surrender your principles.

Because, quite simply, if, when the pressure is on, and it seems like just about everyone out there is screaming at you to vote against your conscience, and against the rights of your constituents, you don't feel the steel in your spine, you are *not* a "Second Amendment Supporter." You are a just another sellout politician looking to curry favor with the gun owning voter base. And we don't need you.

So find your spine, or forget about the support of the "gun lobby." Because November is coming, and we have long memories.

Dave Kopp
AzCDL President



The Gathering Storm

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ting through that in court. Millions that they'll likely lose in the end.

Unfortunately, the legislative leadership quietly killed HB 2431 in the final days of the session by freezing its progress.

We will only have one more shot at getting a bill like HB 2431 passed in the 2016 legislative session, and only if legislators find their spines.

Riding the Storm Out

Many would like to believe that Arizona is far too freedom loving a state to succumb to Bloomberg's tactics. We are not Washington, after all. But we would ask you to re-read the opening paragraph again. **Six full time employees ... \$4 million dollars.** In Washington, where the predominant population is far more receptive to the message, they were ready and able to do or spend whatever it took to get the job done.

Arizona, twice voted the best state in the nation for gun owners by *Guns & Ammo* magazine, is the big prize. We face an opponent with practically unlimited resources, one that will spend whatever it takes to get what they want. Don't think for a second that we're immune.

Help us spread the word and fight this looming threat. Tell your friends. [Join AzCDL](#). Renew your membership.

Get involved!