



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2115

Date Filmed 7/10/86 Camera No. --- 2

Cameraman AS

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FEDERAL ELECTION COMMISSION

Conciliation materials ; Routing Cards;

12 day report and Comment sheets

Page 15 of first DC report

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

☐ (1) Classified Information

☐ (6) Personal privacy

☐ (2) Internal rules and practices

☐ (7) Investigatory files

☒ (3) Exempted by other statute

☐ (8) Banking Information

☐ (4) Trade secrets and commercial or financial information

☐ (9) Well Information (geographic or geophysical)

☒ (5) Internal Documents

Signed

Maime White Callaway

date

June 24, 1986



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1986

Mary Louise Westmoreland,
General Counsel
Handgun Control, Inc.
1400 K Street, N.W.
Suite 500
Washington, D.C. 20005

RE: MUR 2115

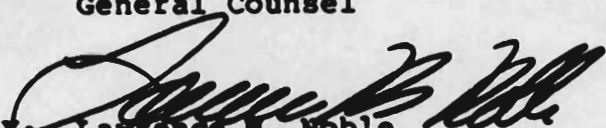
Dear Ms. Westmoreland:

On June 17, 1986, the Commission accepted the conciliation agreement signed by your clients, Handgun Control, Inc., Handgun Control Political Action Committee, and Edward Welles, as treasurer, in settlement of a violation of 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

86040574922

86040594923

SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
 Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
 Show to whom, date, and address of delivery. \$

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Ganet Scheer
NRA
1600 Rhode Island Ave
DC 20036

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 — *943578* —

(Always obtain signature of addressee or agent)

I have received the article described above.
 SIGNATURE ☐ Addressee ☐ Authorized agent
[Signature]

4. DATE OF DELIVERY POSTMARK
5/2/66

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

Form 3811, Jan. 1975
 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

2115

MWC

☆ GPO : 1979-500-488



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Janet Scherer, Assistant General Counsel
National Rifle Association of America
1600 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 2115

Dear Ms. Scherer:

This is in reference to the complaint you filed with the Commission on December 18, 1985, concerning Handgun Control, Inc. ("HCI") and Handgun Control Political Action Committee ("HCI-PAC").

The Commission determined there was reason to believe that HCI, HCI-PAC, and Edward Welles, as treasurer, violated 2 U.S.C. § 441b(a), and conducted an investigation in this matter. On June 17, 1986, a conciliation agreement signed by the respondents was accepted by the Commission, at which time the file in this matter was closed. A copy of this agreement is enclosed for your information.

In addition, on February 21, 1986, the Commission determined that there is no reason to believe HCI, HCI-PAC, and Edward Welles, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to HCI-PAC from individuals who are not "members" of HCI within the meaning of the Federal Election Campaign Act of 1971, as amended.

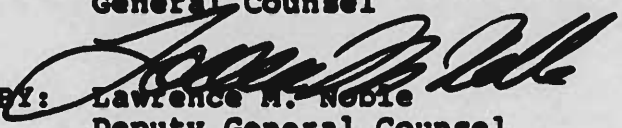
86040574924

- 2 -

If you have any questions please contact Maura White
Callaway, the staff member assigned to this matter, at (202) 376-
5690.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosure
Conciliation Agreement

86040594925

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Handgun Control, Inc.;
Handgun Control Political Action
Committee; Edward O. Welles,
as treasurer

)
)
)
)
)
)
MUR 2115

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 17, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2115:

1. Accept the conciliation agreement with Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, as recommended in the General Counsel's Report signed June 12, 1986.
2. Close the file.
3. Approve the letters attached to the General Counsel's Report signed June 12, 1986.

Commissioners Aikens, Elliott, Harris, and Josefiak voted affirmatively for this decision. Commissioners McDonald and McGarry did not cast a vote.

Attest:

6-17-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Thurs.,	6-12-86,	2:54
Circulated on 48 hour tally basis:	Fri.,	6-13-86,	2:00
Deadline for vote:	Tues.,	6-17-86,	4:00

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86 MAY 29 9:15

BEFORE THE FEDERAL ELECTION COMMISSION

HAND DELIVERED

In the Matter of)

Handgun Control Inc.;)
 Handgun Control Political)
 Action Committee; Edward)
 O. Welles, as treasurer)

MUR 2115

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by the National Rifle Association of America. The Commission found reason to believe that Handgun Control, Inc. ("HCI"), Handgun Control Political Action Committee ("HCI-PAC"), and Edward O. Welles, as treasurer, ("Respondents") violated 2 U.S.C. § 441b(a).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, HCI, is a corporation without capital stock.

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COMM-FED

2. Respondent, HCI-PAC, is a political committee registered with the Commission and is the separate segregated fund of HCI.
3. Respondent, Edward O. Welles, is the treasurer of HCI-PAC.
4. At the request of HCI-PAC, the donor/non-donor lists of HCI were rented to HCI-PAC for contribution to 13 federal candidates.
5. The reports filed by HCI-PAC for the period covering February 1, 1984, through October 15, 1984, disclose that HCI-PAC made in-kind contributions of donor/non-donor lists to 13 federal candidates, totalling \$3,873.26.
6. On January 18, 1985, and January 25, 1985, HCI-PAC reimbursed HCI in an amount totalling \$3,873.26 with respect to the above 13 in-kind contributions.
7. Pursuant to 2 U.S.C. § 441b(a), a corporation may not make a contribution or expenditure in connection with any federal election.

V. The donation of the donor/non-donor lists discussed in paragraph IV by HCI-PAC coupled with the subsequent reimbursement by HCI-PAC to HCI constitutes a use of corporate treasury funds to make in-kind contributions in violation of 2 U.S.C. § 441b(a).

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of Seven Hundred Dollars (\$700), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue

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herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

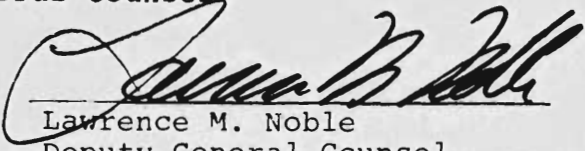
IX. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

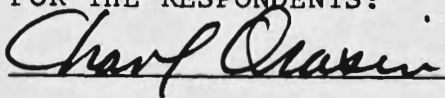
Charles N. Steele
General Counsel

BY:

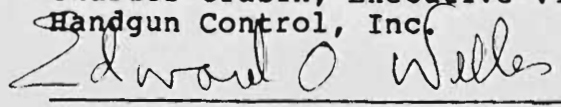

Lawrence M. Noble
Deputy General Counsel

June 23/1986
Date

FOR THE RESPONDENTS:


Charles Orasin, Executive Vice-President
Handgun Control, Inc.

5-20-86
Date


Edward O. Welles, Treasurer
Handgun Control Political Action Committee

5-20-86
Date

86040594929

HANDGUN CONTROL, INC.

1400 K STREET NW
WASHINGTON, DC 20005

MADISON NATIONAL BANK
WASHINGTON, DC

05235

CHECK NO.

DATE

VENDOR NO.

15-125

5/21/86

Seven-Hundred and 00/100

AMOUNT
700.00

BY THE ORDER OF

Treasurer of the United States

HANDGUN CONTROL, INC.

Charles P. Quinn
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈005235⑈ ⑆05400⑆ 259⑆ ⑈216⑈ 761⑈ 1⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Handgun Control, Inc.;) MUR 2115
Handgun Control Political)
Action Committee; Edward)
O. Welles, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 17, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2115:

1. Enter into conciliation with Handgun Control, Inc. Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, prior to a finding of probable cause to believe.
2. Approve the proposed agreement and letter attached to the General Counsel's Report signed April 14, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald and McGarry voted affirmatively for this decision. Commissioner Harris did not cast a vote.

Attest:

4-17-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *rd*
DATE: April 14, 1986
SUBJECT: MUR 2115 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [XK
Sensitive KX]
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []
Other []

DISTRIBUTION

Compliance [XK]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Handgun Control, Inc.;
Handgun Control Political
Action Committee; Edward
O. Welles, as treasurer

22 FEB 14 1986

MUR 2115

GENERAL COUNSEL'S REPORT

I. Background

On February 21, 1986, the Commission determined that there is reason to believe Handgun Control, Inc. ("HCI"), Handgun Control Political Action Committee ("HCI-PAC"), and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a) by using corporate treasury funds to make in-kind contributions to 13 federal candidates. Notification of the Commission's finding was mailed to the respondents on February 25, 1986. On March 11, 1986, the respondents submitted their response to the Commission's finding and requested to settle this matter prior to a finding of probable cause to believe (Attachment 1). The respondents' response stated that the cost of the lists at issue totalled \$3,873.26. 1/

1/The rental of the lists was handled by a private firm which manages and administers HCI's mailing lists. The firm "had the list run and returned to HCI-PAC for delivery." Thus, the \$3,873.26 includes compensation for the staff time and administrative costs of the private firm and for a total of 65 minutes of HCI staff time. The corresponding use of HCI's facilities by the one staff member appears to be minimal.

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II. Recommendation

1. Enter into conciliation with Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, prior to a finding of probable cause to believe.
2. Approve the attached proposed agreement and letter.

Charles N. Steele
General Counsel

April 14, 1986
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachment

1. Letter from Westmoreland
2. Proposed agreement and letter

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

Rec Aikens
3-11-86
CCC #9952

CC MAR 11 11:24

March 10, 1986

Joan D. Aikens, Chairman
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

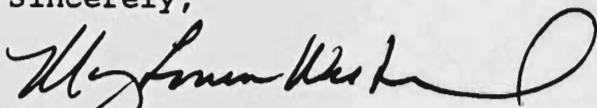
Re: MUR 2115

Dear Ms. Aiken:

Enclosed is the response of Handgun Control, Inc. ("HCI") and Handgun Control, Inc. Political Action Committee ("HCI-PAC") to the questions attached to your letter of February 25, 1986, received on February 27, 1986. The response also includes additional background information on the administration of HCI's donor/nondonor list.

HCI, and HCI-PAC request the opportunity to pursue pre-probable cause conciliation.

Sincerely,



Mary Louise Westmoreland
General Counsel/Legislative Director

MLW/vbf

Enclosure

Response To Questions Propounded By
The Federal Election Commission

As a result of its direct mail campaign, Handgun Control, Inc., has developed two mailing lists. The donor list contains those individuals who have made a contribution to Handgun Control, Inc. The non-donor list is of those who have indicated support for Handgun Control, Inc.'s program.

Both the direct mail campaign and the management of these lists are administered by the firm of Craver, Mathews, Smith & Company ("CMS"). Part of CMS's role is to fulfill requests made to Handgun Control, Inc. to rent these lists for a one-time use. Rental requests are made by other organizations. When an organization rents HCI lists it receives the lists in the form of mailing labels.

Craver, Mathews, Smith & Company has determined a fair market rental value for each list based on per thousand names requested. In 1984, the cost to rent the donor list was \$50 per thousand and the non-donor list is \$35 per thousand. (The price difference relates to the donation quality of the list.) The rental fee includes compensation for staff time and administrative costs of CMS and for HCI staff time.

For the 13 HCI-PAC contributions under review in MUR 2115, HCI-PAC requested that HCI rent to the HCI-PAC its donor and non-donor lists. HCI complied by having a staff member, Gloria Bachurski fill out an order form. The order form was then forwarded to CMS. CMS had the list run and returned to HCI-PAC for delivery. HCI-PAC then paid HCI the fair market for the rental of the lists. In addition, HCI-PAC paid a "running charge" for printing the labels and for delivery.

1. a. HCI initially paid all charges associated with the lists. Because of a bookkeeping error, HCI-PAC was not immediately billed by HCI for these charges. As soon as this error was discovered, HCI-PAC reimbursed HCI for all charges associated with lists in question, including all staff time. The total cost of all 13 lists was \$3,873.26. Throughout the relevant time, HCI-PAC had more than sufficient funds to pay for the costs of the lists.

b. The staff time expended by CMS directly is factored into the rental cost of the list and is not broken out as a separate charge. Similarly the staff time expended to print the labels is factored into the "running charge". The staff time expended by Mrs. Bachurski was approximately five minutes per order. Based on her salary of \$9.50 per hour, the cost of HCI staff time for administering the list orders was approximately \$.80 per order or \$10.40 for the 13 lists.

2. a. The lists discussed in question (1a) were owned by Handgun Control, Inc.

b. The lists discussed in question (1a) were rented from HCI by HCI-PAC.

Dated: March 10, 1986

Charles J. Orasin
Charles J. Orasin

Subscribed and sworn before me this 10th day of March, 1986

Josephine M. Timmelman
My commission expires
Aug. 14, 1987

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Permanent

February 25, 1986

Mary Louise Westmoreland, General Counsel
Handgun Control, Inc.
1400 K Street, N.W.
Suite 500
Washington, D.C. 20005

Re: MUR 2115
Handgun Control, Inc.; Handgun
Control Political Action Committee;
Edward O. Welles, as treasurer

Dear Ms. Westmoreland:

The Federal Election Commission notified Handgun Control, Inc. ("HCI"), Handgun Control Political Action Committee ("HCI-PAC") and its treasurer on January 2, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients the Commission, on February 21, 1986, determined that there is reason to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a). Specifically, it appears that HCI, HCI-PAC and Edward O. Welles, as treasurer, used corporate treasury funds to make in-kind contributions to 13 federal candidates. As reported by HCI-PAC, the contributions at issue are as follows: Schroeder for Congress (2-1-84); Britt for Congress (2-3-84); Borski for Congress (2-3-84); Keep Bob Kastenmeier in Congress (2-3-84); Fazio for Congress (2-3-84); Ratchford for Congress (2-3-84); Larry Smith for Congress (3-8-84); Citizens for Diana Nelson for Congress (3-8-84); Citizens for Percy 1984 (8-24-84); Friends of Congressman George Miller (9-6-84); Congressman Russo Campaign Committee (8-24-84); Matthew Martinez Congressional Committee (6-21-84); and Englehard for Congress (10-15-84).

In addition, on February 21, 1986, the Commission determined to find no reason to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to HCI-PAC from individuals who are not "members" of HCI within the meaning of the Act.

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Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Statements should be submitted under oath.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your clients wish the matter to be made public.

If you have any questions, please contact Maura White Callaway, the staff member assigned to this matter, at 376-5690.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

Enclosures
Procedures
Questions

860405749339

Questions to: Handgun Control, Inc.; Handgun Control Political Action Committee; and Edward O. Welles, as treasurer

1. a. Please state who paid the costs of the staff time devoted to the preparation of the 13 in-kind contributions of donor/non-donor lists reported by Handgun Control Political Action Committee between the period of February 1, 1984, and October 15, 1984.
- b. With respect to question 1a state the amount of the staff time expended, the value of such time, and whether the value of such time was included in the amounts billed by Handgun Control, Inc. to Handgun Control Political Action Committee.
2. a. State whether the donor/non-donor lists discussed in question 1a were owned by Handgun Control, Inc.
- b. State whether the donor/non-donor lists discussed in question 1a were owned by Handgun Control Political Action Committee.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Handgun Control Political Action Committee;)
Edward O. Welles, as treasurer; Handgun)
Control, Inc.)

MUR 2115

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 21, 1986, the Commission decided by a vote of 4-0 to take the following actions in MUR 2115:

1. Find no reason to believe Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Find reason to believe Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a).
3. Approve the letter and questions attached to the First General Counsel's Report signed February 14, 1986.

Commissioners Elliott, Josefiak, McDonald and McGarry voted affirmatively for this decision; Commissioners Aikens and Harris did not vote.

Attest:

2-21-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Tues., 2-18-86, 3:29
Circulated on 48 hour tally basis: Wed., 2-19-86, 11:00
Deadline for vote: Fri., 2-21-86, 11:00

86040574941



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *ld*
DATE: February 25, 1986
SUBJECT: MUR 2115 - First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

96040594942

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 2-18-86

MUR 2115
DATE COMPLAINT
RECEIVED 12/18/85
DATE OF NOTIFICATION
TO RESPONDENTS 1/2/86
STAFF Maura White Callaway

COMPLAINANT'S NAME: National Rifle Association
of America

RESPONDENTS' NAMES: Handgun Control Political Action Committee;
Edward O. Welles, as treasurer; Handgun
Control, Inc.

RELEVANT STATUTE: 2 U.S.C. §§ 441b(b)(4)(A)(i), 441b(a)

INTERNAL REPORTS
CHECKED: Public Records

FEDERAL AGENCIES
CHECKED: None

GENERATION OF MATTER

On December 18, 1985, the National Rifle Association of America filed a complaint against Handgun Control, Inc. ("HCI") and Handgun Control Political Action Committee ("HCI-PAC") alleging a violation of 2 U.S.C. § 441b(b)(4)(A)(i) and 441b(a), and 18 U.S.C. § 1001 (Attachment 1). The respondents were notified of the complaint on January 2, 1986, and responded to the allegations on January 24, 1986 (Attachment 2).^{1/}

^{1/} The response alleges in turn that the NRA violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a) by violating the confidentiality requirements of the Act with respect to the instant complaint. By letter dated February 6, 1986, counsel for the respondents was notified that a proper complaint must be filed before an investigation of the breach of confidentiality is conducted.

Factual and Legal Analysis

(A) The Facts

1. Solicitation of Membership

The complainant alleges that HCI, a corporation without capital stock, and HCI-PAC violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to HCI-PAC (in a letter dated September 20, 1985) from individuals who are not "members" of HCI within the meaning of the Act.^{2/} This allegation is two-fold. According to the complainant, the bylaws of HCI do not establish any right to participate in the annual meeting (Article IX of HCI's bylaws), "nor was there any such right established prior to the solicitation of September 20, 1985, in that there is no requirement that any business of any sort be conducted at the annual meeting." It is the position of the complainant that this right "should exist since stockholders of business corporations--to which the Supreme Court [in FEC v. NRWC, 459 U.S. 197 (1982)] analogized members of non-profit corporations--have the right to conduct the business of the corporation by participating in an annual meeting of stockholders."

^{2/} This is the third complaint filed by the NRA against the respondents. The initial complaint (MUR 1604) was settled through a conciliation agreement wherein HCI agreed to, inter alia, allow members the right to "participate in annual meetings and to elect a Director to the Governing Board." The second complaint filed (MUR 1891) alleged a violation of the terms of the conciliation agreement. In MUR 1891 the Commission concluded that there was reason to believe the respondents violated the conciliation agreement and 2 U.S.C. § 441b(b)(4) in connection with the solicitation of members whose dues payment will not of a pre-determined amount. It was determined in MUR 1891, however, that the establishment of an annual meeting and the election by the membership of a Member-at-Large satisfied the conciliation agreement's requirement that members have a right of participation in the organization's affairs.

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The complainant insists that the June 22, 1982, membership meeting, entitled "The Handgun Control Conference," was not in fact "an 'annual meeting' as that term is contemplated by D.C. Code § 29-514(b)."^{3/} The purpose of an annual meeting, according to the complainant, is to conduct the business of the corporation.^{4/} Citing to an article in HCI's publication Washington Report the complainant argues that "[b]y HCI's own admission, the conference was only 'designed to show members and activists [sic] how they can become more involved in the fight for tougher handgun laws, featured workshops and lectures on the handgun issue in America'." Except for the analogy to stockholder's meeting and the reference to D.C. Code, this initial allegation is identical to the allegation raised in the complainant's February 1985 complaint (MUR 1891). See footnote 2.

The second part of the complainant's claim that the respondents have conducted unlawful solicitations pertains to the election of a HCI director by the membership. This too is the virtually identical allegation raised by the complainant in MUR 1891 where the complainant alleged a violation of the conciliation agreement. See footnote 2. Here, the complainant changes the focus of the allegation by arguing that "HCI's

^{3/} The complainant admits that pursuant to the requirement of D.C. Code § 29-514(b) the bylaws of HCI state: "A meeting of the members shall take place in June of each year, at a time and a place to be designated by resolution of the Governing Board."

^{4/} The complainant concedes that the election by the members of a HCI member-at-large took place by mail prior to the conference.

By-laws do not establish a procedure for its 'members' to control the organization by electing directors as implicitly contemplated by the FECA and by the Supreme Court's analogy of members of non-profit corporations to stockholders of business corporations."

The complainant argues that by only allowing the membership the right to "select someone who has been pre-selected by the Board" the existence of a self-perpetuating Board is continued because none of the Board members "are chosen by a genuine election."^{5/}

It is further noted by the complainant that because the Governing Board may remove any director without cause, the Governing Board "is even allowed to remove the preselected candidate chosen by the membership."^{6/}

With respect to the above allegations, the respondents argue that they have complied with the conciliation agreement in MUR 1604 (see footnote 2) by amending HCI's bylaws on August 2, 1985,

^{5/} Article IV.5(c) of HCI's bylaws state:

The Governing Board shall annually designate a date for the election of the Member-at-Large (the Election Date). No later than 60 days before the Election Date, the President shall give notice thereof to the Members and shall solicit the nomination of candidates for Member-at-Large during such period as shall be specified in the notice. The Nominating Committee shall select as candidates no fewer than two persons so nominated, provided that such persons shall be members in good standing and shall, in the Nominating Committee's discretion, have demonstrated their commitment to the organization's governing principles and be otherwise qualified.

^{6/} Article IV of HCI's bylaws state that any director may be removed with or without cause by resolution of the Governing Board.

to provide: that its members must contribute no less than \$15 to the organization every two-years; that members have the right to nominate and vote for a director, designated the Member-at-Large; and, that a meeting of the members is to take place each June. In addition, the respondents emphasize that in MUR 1891 it was concluded, with respect to the bylaw's provision for an annual meeting and the election of a Member-at-Large, that "HCI has satisfactorily established rights of participation in the organization's affairs for those deemed members of the corporation." See footnote 2.

It is the position of the respondents that HCI members have been presented with the opportunity to exercise their right to participate in HCI's annual meeting. The respondents explain that the meeting in question "included reports and discussions of HCI's plans and workshops on the activities of the members and the organization." In addition, "[m]embers were encouraged to participate, to suggest ways to improve HCI's effectiveness and to share their views with their officers, employees and Directors regarding the fight for tougher handgun laws and the future of HCI." According to the respondents, "[p]articipants discussed, debated and planned the business of their corporate organization -- effective advocacy of sensible handgun control policy."

The affidavit of Charles Orasin, HCI's Executive Vice-President, was included with the response. The affidavit states that the written materials used for the meeting "encouraged members to participate actively in the meeting." Included among

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these materials was a Conference Evaluation Form and a participation form styled "Your Participation as a Handgun Control Member." According to the affiant, at the meeting he urged members "to use the participation form and be actively involved in the meeting," and told members that their questions, comments and suggestions would form the basis for "a roundtable discussion with the Chairman of HCI's Governing Board later in the meeting." After emphasizing the various discussions and workshops at the meeting, the affiant notes that the Governing Board was presented with a report on the responses to the participation forms. In addition to Mr. Orasin's affidavit, the response included the affidavit of an HCI member which confirms the participatory role of members at the meeting.

In further support of their position the respondents argue that the "District of Columbia Nonprofit Corporation Act, D.C. Code Ann. 29-501 et seq. (1981), does not require any particular agenda for annual meetings." It is further argued that nonprofit corporations "operate under a distinct set of rules from business corporations in recognition of their different purposes and the contrasting objectives and contributions of their respective memberships." Thus, the respondents conclude that the 14 hour conference "fully met the requirements of the Conciliation Agreement and far exceeded the requirements of the law of the District of Columbia."

As to the election by members of an HCI Director (Member-at-Large), the respondents argue that contrary to the complainant's

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assertion, HCI's bylaws establish an appropriate procedure for members to elect directors. According to the respondents, District of Columbia law "expressly contemplates that election of directors by members 'may be conducted by mail'," and local law provides that directors of non-profit corporations are to be elected or appointed in accordance with the organization's articles and bylaws. Thus, the respondents conclude that the election of directors of nonprofit corporations is not required to be held at annual meetings.

2. Prohibited Contributions

A second issue raised by the complainant centers around HCI-PAC's reported in-kind contributions to federal candidates. The complainant states that 13 entries on HCI-PAC's 1984 April Quarterly, July Quarterly, October Quarterly, and Pre-General Election Reports "indicate that HCI-PAC made in-kind contributions of its donor/non-donor list to certain candidates running for federal office." The complainant contends, however, that it was HCI who in fact made the in-kind contributions because HCI-PAC's 1985 Mid-Year Report reflects payments to HCI to reimburse for the in-kind contributions at issue. Based upon this information the complainant concludes that HCI-PAC "knowingly concealed the fact that HCI unlawfully made in-kind contributions by falsely reporting in the reports listed [above] that the lists were in-kind contributions from HCI-PAC, in contravention of 18 U.S.C. § 1001."

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This office's review of the above 1984 reports, as amended on February 1, 1985, revealed that HCI-PAC reported the following in-kind contributions of "donor/non-donor list":

1.	Schroeder for Congress	(2-1-84)	\$ 442
2.	Britt for Congress	(2-3-84)	\$ 60
3.	Borski for Congress	(2-3-84)	\$ 110
4.	Keep Bob Kastenmeier in Congress	(2-3-84)	\$ 617
5.	Fazio for Congress	(2-3-84)	\$ 97
6.	Ratchford for Congress	(2-3-84)	\$ 72
7.	Larry Smith for Congress	(3-8-84)	\$ 97
8.	Citizens for Diana Nelson for Congress	(3-8-84)	\$ 154
9.	Matthew Martinez Congressional Committee	(6-21-84)	\$ 79
10.	Citizens for Percy 1984	(8-24-84)	\$1,710
11.	Friends of Congressman George Miller	(9-6-84)	\$ 82
12.	Congressman Russo Campaign	(8-24-84)	\$ 271
13.	Englehard for Congress	(10-15-84)	\$ 82.26
	TOTAL:		\$3,873.26

These reports also disclosed memo entry disbursements to HCI totalling \$3,873.26 for labels for the in-kind contributions.^{7/}

On February 1, 1985, HCI-PAC sent a letter to the Report Analysis Division which enclosed "copies of the checks made to Handgun Control for the costs incurred for lists which were contributed to candidates as in-kind contributions," and totalling \$3,873.26.^{8/} According to HCI-PAC's treasurer,

^{7/} The memo entry disbursement appears twice in each of the amended reports. The original reports filed did not disclose the memo disbursements.

^{8/} Three checks were submitted, as follows: January 18, 1985, in the amount of \$2,063 as reimbursement for third quarter expenses (Percy, Miller, Russo); January 18, 1985, in the amount of \$82.26 as reimbursement for Pre-General Election expenses (Englehard); and, January 25, 1985, in the amount of \$1,728 as reimbursement for first and second quarter in-kind contributions. (Footnote Continued)

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the individual charged with processing the list orders failed to bill the PAC," and the costs reflect "the actual computer costs, the fair market value of the lists and any transmittal expenses to the candidates."

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The January 23, 1986, response of the respondents insists that HCI did not make corporate contributions to federal candidates and that the NRA has misconstrued its reports. In explanation the response states that the "original error by HCI-PAC's former accountant in processing disbursements from HCI-PAC to compensate HCI for HCI-PAC's in-kind contribution of mailing lists to certain candidates was corrected upon its discovery in January, 1985," and that these payments are properly reported on HCI-PAC's 1985 Mid-Year Report. The respondents further argue that unlike Federal Election Commission v. National Rifle Association of America, Civil Action No. 85-1018 (D.D.C. Mar. 29, 1985), HCI "did not advance funds in violation of the statutory prohibition against corporate contributions," that "HCI-PAC made and reported its own contributions," and that it "did not knowingly conceal or falsely report anything."

B. The law

Pursuant to 2 U.S.C. § 441b(a), a corporation may not make a contribution or an expenditure in connection with a federal election. The term "contribution or expenditure" is defined at

(Continued)

HCI-PAC's Mid-Year Report disclosed the above three disbursements to HCI with the notation "To reimburse for in-kind contributions during 1984 (see attachments)." The attachments were copies of those portions of HCI-PAC's 1984 reports which disclosed the above 13 in-kind contributions.

2 U.S.C. § 441b(b)(2) to include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, candidate committee, or political party or organization in connection with any federal election.

Pursuant to 2 U.S.C. § 441b(b)(4)(A)(i), a corporation or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exemption from this restriction is set forth at 2 U.S.C. § 441b(b)(4)(C), whereby a corporation without capital stock, may solicit contributions to the fund from members of the corporation without capital stock. The term "member" is defined at 11 C.F.R. § 114.1(e) to mean all persons who are currently satisfying the requirements for membership in a corporation without capital stock.

The Supreme Court in FEC v. NRWC, 459 U.S. 197 (1982), considered the definition of "member" as it is used in the Act and the Commission's regulations concerning the solicitation of contributions to the separate segregated fund of a corporation without capital stock. The Court concluded that "some relatively enduring and independently significant financial or organizational attachment is required to be a 'member' under § 441b(b)(4)(C)." FEC v. NRWC, 459 U.S. 197 at 204. In addition, the Court recognized certain other indicia of membership. The fact that: the solicitation letter made

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"no reference to members"; members played "no part in the operation or administration of the corporation"; members did not elect corporate officials; there were no membership meetings; and, there was no indication that the asserted members exercised any control over the expenditure of their contribution caused the Court to decide that "those solicited were insufficiently attached to the corporate structure of NRWC to qualify as 'members'" under 2 U.S.C. § 441b(b)(4)(C). FEC v. NRWC, 459 U.S. at 206.

C. Application of the law to the facts

1. Solicitation of Membership

As discussed above, the allegations raised by the complainant are virtually identical to those raised in MUR 1891. Although the complainant now raises the novel arguments that HCI's annual membership meeting was not an "annual meeting" as contemplated by D.C. Code, and that because of the Supreme Court's analogy to stockholders members should have the right to participate in annual meetings by conducting business, it is this office's view that such arguments are without merit.

The responses provided by the respondents, as well as the information submitted by the complainant, demonstrates that HCI's members had the opportunity to participate in the June 22, 1985, annual meeting. Such participation was required as a result of the terms of the conciliation agreement in MUR 1604. This office further notes that D.C. Code does not set the agenda of an annual meeting by requiring that the business of a corporation be

conducted at the annual meeting. Moreover, by the complainant's own admission the election by the members of an HCI Member-at-Large occurred by mail prior to the meeting. Although the Supreme Court did analogize members to stockholders, the Court did not comment upon the content, or agenda, of membership meetings. To be sure, neither the Supreme Court nor the Commission have viewed the existence of an annual membership meeting as an absolute prerequisite before the membership exemption of 2 U.S.C. § 441b(b)(4)(C) can be claimed. Other, more significant financial and organizational attachments have been looked to instead.

With respect to the election of a Member-at-Large by the membership this office reaffirms the position taken in MUR 1891 that the procedure is sufficient to claim the membership exemption, and that the requirements of the conciliation agreement were satisfied. HCI has in fact established bylaws authorizing the nomination and election of a Member-at-Large. This procedure should be considered to constitute the right to elect corporate officials noted by the Court in FEC v. NRWC, 459 U.S. 197 (1982). These bylaws permit the membership to nominate candidates who are then screened by the Nominating Committee to assure that they have demonstrated their support of HCI's principles. The bylaws require that the names of at least two nominees be submitted to the membership for a vote. During the 1985 election the membership was presented with four nominees. Hence, this office does not share the complainant's view that a "genuine election" was not held.

Although the Governing Board retains the power to remove directors, this clause applies equally to all directors and not solely to those elected at-large by the membership. Indeed, no allegation has been made that the director elected by the membership has been, or is in the process of, being removed from office. In view of the foregoing, this office believes that the election process is of the type contemplated by the Act and the Court in FEC v. NRWC, 459 U.S. 197 (1982) and, therefore, recommends that the Commission find no reason to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(b) (4) (A) (i).

2. Prohibited Contributions

From the information in hand it appears that during 1984 the donor/non-donor lists of HCI-PAC and/or HCI were contributed to 13 federal candidates. Although HCI-PAC apparently intended to repay HCI for all of the costs related to the donation of the lists, an error by HCI-PAC's former accountant resulted in payment not being made until January 1985. In none of these 13 instances was reimbursement made by HCI-PAC to HCI within 30 days of the reported date of the contribution.

The Act makes it unlawful for a corporation to make a contribution or expenditure in connection with a federal election. 2 U.S.C. § 441b(a). The Commission's regulations at 11 C.F.R. § 114.5(b) specifically provide that a corporation may not use the establishment, administration, and solicitation process as a means of exchanging treasury monies for voluntary

contributions. Further, the relationship between a separate segregated fund and its connected organization has been noted by the Supreme Court which held that a separate segregated fund must be separate from its connected organization "only in the sense that there must be a strict segregation of its monies from" general treasury funds. Pipefitters v. U.S., 407 U.S. 385, 414 (1972). Thus, the statutory and regulatory framework permits a corporation to use its general treasury monies to establish and administer a separate segregated fund and to solicit voluntary contributions to that fund from its solicitable class, but only the monies in the separate segregated fund may be disbursed for political purposes, and the corporation may not use its general treasury funds for such purposes. See Advisory Opinion 1984-24.

Despite the respondents claim that no violation occurred because HCI did not "advance funds" this office is of the view that the value of each of the donor/non-donor lists and related expenses constituted a gift of something of value and, hence, a "contribution" to the recipient candidate committee. See Advisory Opinion 1984-24. It appears that HCI-PAC, by virtue of having made an arrangement whereby HCI would provide the lists to candidates on HCI-PAC's behalf, participated in the making of corporate contributions to federal candidates. The activity at issue involved initial disbursements of corporate funds for activities which were in connection with the election of federal candidates. See Advisory Opinion 1984-24. It is, therefore, the recommendation of this office that the Commission find reason

to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a) by using corporate treasury funds to make contributions to federal candidates. See MURS 1586,

With respect to the allegation that HCI-PAC violated 18 U.S.C. § 1001 by concealing the fact that HCI made in-kind contributions by falsely reporting the lists as in-kind contributions, this office notes that section 1001 of Title 18, United States Code, is not within the Commission's jurisdiction. Moreover, the allegation of a reporting violation is directly tied into the prohibited corporate contributions herein, and is more properly pursued as part of the violation of 2 U.S.C. § 441b(a) than as a reporting violation.

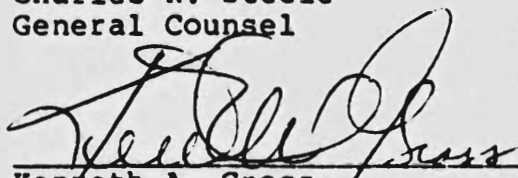
RECOMMENDATIONS

1. Find no reason to believe Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(b)(4)(A)(i).
2. Find reason to believe Handgun Control, Inc., Handgun Control Political Action Committee, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a).
3. Approve the attached letter and questions.

Charles N. Steele
General Counsel

February 14, 1986
Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Complaint
2. Respondents' reply
3. Proposed letter and questions

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NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

OFFICE OF THE
GENERAL COUNSEL

December 17, 1985

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Dear Mr. Steele:

Pursuant to 2 USC 437(g) and 11 CFR 111.4(a), I request that you investigate this complaint alleging that Handgun Control, Inc. (HCI) and/or its separate segregated fund, Handgun Control, Inc. Political Action Committee (HCI-PAC), 1400 K Street, N.W. Washington, D.C. 20005, has solicited contributions in violation of 2 USC 441b(4), has made corporate contributions in violation of 2 USC 441b, and has knowingly entered false information on its reports to the FEC in violation of 18 USC 1001. This complaint is filed on behalf of the National Rifle Association (NRA), 1600 Rhode Island Avenue, Washington, D.C. 20036.

I. HCI-PAC IS A CORPORATE PAC

HCI-PAC is a corporate political action committee within the meaning of 2 USC 441b(b)(2)(C). It has identified Handgun Control, Inc. (HCI), a corporation without capital stock, as its connected organization on its statement of organization on file

1/ The allegations set forth in Section II of this complaint are being brought at this time since the NRA was unable to seek judicial review of the changes to HCI's By-laws which resulted from the complaint NRA filed with the Commission on December 2, 1983 (MUR 1604). NRA was unable to seek judicial review since HCI did not provide the Commission its amended By-laws within 60 days of NRA's receipt of the Commission's July 16, 1984 letter concluding MUR 1604. Judicial review of NRA's complaint of January 28, 1985 (MUR 1891) was not possible since that complaint alleged only that HCI failed to comply with the Conciliation Agreement entered into in MUR 1604 and the Commission, as a party to the Agreement, concluded that the Agreement had been complied with.

Attachment 1(i)

with the Federal Election Commission.

II. HCI-PAC HAS SOLICITED INDIVIDUALS OTHER THAN HCI'S EXECUTIVE AND ADMINISTRATIVE PERSONNEL OR MEMBERS AS DEFINED IN 2 USC 441b(b)(4) BECAUSE HCI IS NOT A MEMBERSHIP ORGANIZATION

1) 2 USC 441b(b)(4)(A)(i) states that a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exception to this prohibition appears in §441b(b)(4)(C) whereby a corporation without capital stock may solicit contributions to the fund from members of the corporation without capital stock.

2) The term "member" is defined at 11 CFR 114.1(e) as all persons who are currently satisfying the requirements for membership in a corporation without capital stock.

3) This absence of express statutory definition has required the Supreme Court of the United States to interpret the term "member" in Federal Election Commission v. National Right to Work Committee, 103 S.Ct 552 (1982) (NRWC). In that case, the Supreme Court held that the meaning of the word "member" may be determined by reference to, inter alia, the laws of the state of incorporation. Moreover, the Court noted that Congress' intent could be determined by analogizing members of non-profit corporations to stockholders of business corporations, stating that "some relatively enduring and independently significant financial or organizational attachment is required to be a member under §441(b)(4)(C)." 103 S.Ct. at 557. The attributes of membership that make up an "independently significant . . . organizational attachment" include inter alia: the ability to participate in the operation or administration of the corporation; regularly scheduled membership meetings at which the business of the organization is conducted; receipt of membership cards; receipt of regular publications or newsletters; and the ability to control the expenditure of their dues and contributions.

4) Upon information and belief, pursuant to the requirement of D.C. Code §29-514(b), the Bylaws of HCI state: "A meeting of the members shall take place in June of each year, at a time and a place to be designated by resolution of the Governing Board." HCI By-laws, Article IX. See Exhibit 1, page 3.

5) The By-laws of HCI do not establish any right to participate in this meeting nor was there any such right established prior to the solicitation of September 20, 1985, in that there is no requirement that any business of any sort be conducted at the annual meeting. Such right should exist since stockholders of business corporations -- to which the Supreme

Court analogized members of non-profit corporations -- have the right to conduct the business of the corporation by participating in an annual meeting of stockholders.

6) Upon information and belief, the "meeting of the members" held pursuant to Art. IX of HCI's Bylaws took place on June 22, 1985 in Washington D.C., see Exhibit 2 page 8, and was entitled "The Handgun Control Conference."

7) Upon information and belief "The Handgun Control Conference" was not an "annual meeting" as that term is contemplated by D.C. Code §29-514(b).

8) An "annual meeting" is held to conduct the business of the organization; e.g. presentation of minutes, elections of officers and directors, reports on and discussion of the organization's plans and finances, amendment of bylaws, passage of resolutions, presentation of committee reports. Methods for holding and conducting meetings are almost always provided in the bylaws.^{2/} Entire books are devoted to the "system of conducting business, and . . . rules to govern their proceedings. . ."^{3/}

9) By HCI's own admission, the conference was only "designed to show members and activists how they can become more involved in the fight for tougher handgun laws, featured workshops and lectures on the handgun issue in America" See Exhibit 3, page 3. HCI's "election of directors" took place prior to the conference by mail ballot. See Exhibit 2, page 7.

10) HCI's By-Laws do not establish a procedure for its "members" to control the organization by electing directors as implicitly contemplated by the FECA and by the Supreme Court's analogy of members of non-profit corporations to stockholders of business corporations.

11) Article IV of HCI's By-Laws requires a nominating committee, which is composed of current HCI Board Members only, to select the names of a minimum of 2 people to be presented to the "membership" in order for that "membership" to choose one of

2/ A typical bylaw provision referring to the Order of Business at an annual meeting reads: "The following shall be the regular order of business at all meetings of the members: 1) Roll Call; 2) Approve minutes of previous meeting; 3) Reports of officers; 4) Fill vacancies and conduct prescribed elections; 5) Reports of committees and committee resolutions; 6) Special Orders; 7) Unfinished business and General Orders; 8) New business; 9) Resolutions."

^{3/} Roberts Rules of Order 1983 Edition with Modern Guide and Commentary by Rachel Vixman Pyramid Reference p. 21

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the names. Other than to be nominated by the Board-controlled nominating committee, there is no procedure by which a person may be placed upon the ballot in that there are no provisions made for a petition process or for write-in candidates. In effect, then, the By-Laws, by only allowing the "membership" the right to select someone who has been pre-selected by the Board, continue the existence of a self-perpetuating Board, none of the members of which are chosen by a genuine election. Moreover, as a result of the Governing Board's power to remove any director without cause, the Governing Board is even allowed to remove the preselected candidate chosen by the "membership." Thus, if the preselected candidate is, among the nominated candidates, the least popular with the Governing Board, the Board may wholly negate the "election" by removing the one "elected" Board member. Clearly, the entire process established by Article IV does not constitute an election of the type implicitly contemplated by the FECA and by the Supreme Court in analogizing members of non-profit corporations to stockholders of business corporations.

12) Upon information and belief, HCI solicited persons who were not members of HCI by a letter dated September 20, 1985. See Exhibit 4.

III. HCI MADE A CORPORATE CONTRIBUTION IN CONNECTION WITH A
FEDERAL ELECTION AS PROHIBITED BY 2 USC §441b

HCI-PAC KNOWINGLY ENTERED FALSE INFORMATION ON SEVERAL OF
ITS 1984 REPORTS TO CONCEAL HCI'S CORPORATE CONTRIBUTION

1) In HCI-PAC's 1984 reports, specifically the April 15 Quarterly Report, the July 15 Quarterly Report, the October 15 Quarterly Report, and the Twelfth Day Report preceding the General Election, the schedules submitted as explanation for line 20 of the Detailed Summary Page (Page 2, FEC Form 3) indicate that HCI-PAC made in-kind contributions of its donor/non-donor list to certain candidates running for federal office.

2) On HCI-PAC's July 31 mid-year report for 1985, Schedule B reflects payments to Handgun Control, Inc. "to reimburse for in-kind contributions reported during 1984 (see attachments)." The attachments refer to the in-kind contributions outlined in the above paragraph.

3) Upon information and belief, HCI made the in-kind contributions set forth in the reports listed in Paragraph 1 to

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candidates running for federal office, in violation of 2 USC 441b.^{4/}

4) Upon information and belief, HCI-PAC knowingly concealed the fact that HCI unlawfully made in-kind contributions by falsely reporting, in the reports listed in paragraph 1, that the lists were in-kind contributions from HCI-PAC, in contravention of 18 USC 1001.

CONCLUSION

Handgun Control, Inc. has unlawfully solicited contributions to HCI-PAC from individuals who are not members of HCI within the meaning of the Federal Election Campaign Act of 1971 as amended.

HCI has unlawfully made corporate contributions to candidates running for federal office.

HCI-PAC unlawfully concealed HCI's corporate contributions by reporting that HCI-PAC had made the in-kind contributions.

Sincerely yours,

THE NATIONAL RIFLE
ASSOCIATION OF AMERICA

BY: Janet K. Scherer
Janet K. Scherer, Esq.
Assistant General Counsel

District of Columbia, ss

Subscribed and sworn to before me this 18th of December, 1985.

Karen E. Deming
Notary Public
My Commission Expires April 30, 1989

4/ In a letter dated January 31, 1985 to the FEC, the treasurer of HCI-PAC attempts to explain why the reports indicate that the in-kind contributions originated from HCI-PAC by stating "The individual charged with processing the list orders failed to bill the PAC." This admission of the existence of a corporate contribution raises more questions that it purports to answer. For example, if this was only a mere failure to bill HCI, why did HCI-PAC report it as an in-kind contribution?; how did HCI-PAC know the amount to report as a contribution if it was, in fact, not billed by HCI?; who transmitted the lists to the candidates, HCI or HCI-PAC?; what prior agreement existed between HCI and HCI-PAC concerning the use of the list?; is it credible that there was a failure to bill the PAC on thirteen separate occasions?

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CONSENT-IN-LIEU OF A SPECIAL MEETING
OF THE GOVERNING BOARD
OF HANDGUN CONTROL INC.

WHEREAS, the undersigned constitute all of the Governing Board of HANDGUN CONTROL INC., a nonprofit corporation organized under the laws of the District of Columbia.

NOW, THEREFORE, BE IT RESOLVED, that the bylaws be, and hereby are, amended, modified and altered as follows:

Paragraph 5 of Article IV shall be deleted in full and replaced with the following:

5. Election of Directors

(a) In general. All the Directors save one shall be elected by a majority of the Governing Board in office by a vote which may be taken at a meeting or by mail. One Director (the Member-at-Large) shall be elected pursuant to subparagraphs(c) and (d) hereof.

(b) Nominating Committee. The Nominating Committee shall be composed of the President and two (2) to four (4) Members who shall be appointed by the President.

(c) Nominations. The Governing Board shall annually designate a date for the election of the Member-at-Large (the Election Date). No later than 60 days before the Election Date, the President shall give notice thereof to the Members and shall solicit the nomination of candidates for Member-at-Large during such period as shall be specified in the notice. The Nominating Committee shall select as candidates no fewer than two persons so

nominated, provided that such persons shall be Members in good standing and shall, in the Nominating Committee's discretion, have demonstrated their commitment to the organization's governing principles and be otherwise qualified.

(d) Election. No later than 20 days before the Election Date, the President shall give notice to the Members of the candidates selected pursuant to subparagraph (c) hereof and shall provide the Members with ballots for voting by mail. The candidate who shall receive the greatest number of votes shall be elected.

(e) Notice. Notice, as provided in this section, shall be mailed to each Member at his address as it appears on the most current membership list of the organization. Such notice shall be deemed given when deposited in the United States mail, with postage prepaid thereon.

The following paragraph 6 of Article IV shall be added:

6. Removal. Any Director may be removed, with or without cause, by resolution of the Governing Board.

Former sections 6 through 9 of Article IV shall be redesignated and numbered sections 7 through 10.

Article VI shall be deleted in full and replaced with the following:

ARTICLE VI MEMBERS

1. A Member of HANDGUN CONTROL INC., shall be anyone who has contributed no less than 15 dollars to the organization within

the last 24 months. A Member shall enjoy, among other rights, the right to nominate and vote for the Member-at-Large.

2. A Contributing Member shall be anyone who has contributed funds to the organization within the last 24 months if such funds shall be less than 15 dollars. A Contributing Member shall have the same rights as a Member except that a Contributing Member shall not have the right to nominate or vote as provided in paragraph 5 hereof.

The following Article IX shall be added:

IX. ANNUAL MEETING

A meeting of the Members shall take place in June of each year, at a time and place to be designated by resolution of the Governing Board.

IN WITNESS WHEREOF, we have hereunto set our hands:

DATE:

Washington Report

Published by Handgun Control, Inc., 1400 K St., N.W., Suite 500, Washington, D.C. 20005

Barbara Lautman, Editor (202) 898-0792

Volume 11, No. 1 March 1985

Up Front

NRA's Open Season on Police

The National Rifle Association is moving quickly in the 99th Congress to ensure passage of its McClure-Volkmer Gun Decontrol Bill (S. 49 and H.R. 945). NRA lobbyists are also working to defeat the Biaggi-Hughes bill (H.R. 4), the new bill to ban cop-killer bullets. The NRA's Capitol Hill campaign places them in direct conflict not only with Handgun Control, but with the nation's law enforcement community as well. While the NRA-backed McClure-Volkmer bill would impede law enforcement efforts to fight violent crime, the NRA's opposition to cop-killer bullet legislation places our nation's police in continuing personal danger.

Two major police organizations—the International Association of Chiefs of Police and the Police Executive Research Forum—are already on record in opposition to provisions of the McClure-Volkmer bill. Police are justifiably concerned about the bill's potential impact on federal gun law. The purpose of the 1968 Gun Control Act was to support state and local law enforcement agencies in their fight against violent crime. But McClure-Volkmer would repeal many of the 1968 Act's key provisions. If passed, the bill would remove the centerpiece of existing law which prohibits the interstate sale of handguns. Because it would allow a resident of New York, for example, to purchase a handgun in Florida, it would seriously undermine police efforts to control illegal handgun trafficking. The bill would allow individuals to bring handguns into a state or community even if that locality's laws prohibited such transportation.

The NRA is pushing for a speedy vote on the McClure-Volkmer bill to avoid careful scrutiny of the legislation. They have arranged, through their champions in the Senate, to

have the bill held at the Majority Leader's desk where it could be called up for a vote at any time. Although Handgun Control has convinced several Senators to put "holds" on the bill, McClure-Volkmer may still go before the full Senate for a vote soon.

Handgun Control has been successful in stopping the McClure-Volkmer bill for the last five years. The NRA needs a victory on Capitol Hill, and despite police concerns, will attempt to get the bill through the Senate by late spring.

If NRA lobbyists are successful in getting their bill through the Senate, they will begin building momentum in the House. Although the bill's chances for passage are weaker on the House side, Handgun Control lobbyists are meeting with legislators to develop strategy and solidify opposition to the bill.

Prospects for a ban on cop-killer bullets are good, despite the NRA's opposition. In January, nine of the nation's largest police organizations (*The Federal Law Enforcement Officers Association, The International Association of Chiefs of Police, the International Brotherhood of Police Officers, The International Union of Police Associations, The National Association of Police Organizations, The National Sheriff's Association,*

See "Open Season" on page 2.

Legislative Alert

The McClure-Volkmer Gun Decontrol Bill (S. 49 & H.R. 945) is now on the Senate Calendar and may be called for a vote at any time.

Please write or call your Senators immediately and tell them that you oppose any effort to weaken our gun laws. Tell your Senators to vote against any provision which would allow interstate handgun sales.

Your letters and phone calls are vital if we are to stop the NRA's attack on our nation's gun laws.

You can write your Senators at the following address:

Senator
United States Senate
Washington, D.C. 20540
(202) 224-5441

Inside Washington Report:

- The Handgun Information Center: A New Response to Handgun Violence
- Vote for a New Handgun Control Board Member
- Capitol Hill Report: Legislative Update

Open Season from page 1.

The National Trooper's Coalition, The Police Executive Research Forum, and the United Federation of Police sent a letter to President Reagan, asking that he endorse a ban on the sale of cop-killer bullets. The NRA has already come out full force—with a mailing to Capitol Hill—against any ban on sales.

While pushing for passage of tougher handgun laws, Hand-

gun Control must also battle the NRA on these other important fronts during the next few weeks. NRA lobbyists will do all they can to ensure passage of the McClure-Volkmer bill and defeat cop-killer bullet legislation. Without strong opposition from Handgun Control, they may succeed. We need your help—today—to defeat the McClure-Volkmer bill. Please write to your Senators: the legislative alert on the front page will tell you what you can do to stop the NRA's assault on our nation's gun laws and help our police in the fight against handgun crime.

Capitol Hill Report

by Mary Louise Westmoreland,
General Counsel
and Legislative Director

Handgun Control is off to a good start in the 99th Congress. Many legislative challenges lie ahead in the next two years, but we will need your support to make steady progress in the U.S. Congress.

Last year, the NRA spent over \$1.3 million to elect members of Congress who will support their efforts to oppose reasonable handgun control legislation. NRA backers have moved promptly in the 99th Congress to inhibit the passage of police-supported cop-killer bullet legislation and roll back existing federal gun laws.

A bill to ban cop-killer bullets, S. 104, was introduced on the first day of the 99th Congress by Senator Strom Thurmond (R-SC), Senator Daniel Patrick Moynihan (D-NY) and 33 cosponsors. The bill would ban the manufacture and importation of armor-piercing, "cop-killer" bullets. In the House, H.R. 4, introduced by Congressman Mario Biaggi (D-NY) and Congressman William Hughes (D-NJ), would ban the manufacture and importation of this ammunition, but would ban the sale as well. Banning the sale of armor-piercing bullets would prevent this deadly ammunition already on gun store shelves from being used against police and citizens. Nine major police groups believe H.R. 4's ban on sales is so crucial to police protection that they have written to President Reagan to ask for his support on the sale issue.

Handgun Control supports our police and has been actively working to generate support for the speedy passage of legislation to ban cop-killer bullets. Our current postcard campaign, urging support for this measure, is a great success and has added more than 100 new cosponsors to these bills.

In fact, Senator Moynihan, who in the first three weeks of the campaign received over 1,000 cards, asked that we express to you his appreciation for your support.

Passage of a cop-killer bullet bill in the 99th Congress is a top priority, but just as important is preventing passage of the McClure-Volkmer Gun Decontrol Bill, S. 49 and H.R. 945. In a departure from normal procedure, Senator McClure had S. 49 placed directly on the Senate Calendar to avoid committee consideration of the bill. Because it is on the Calendar, S. 49 can be called up for a vote at any time. Senator McClure justified bypassing the Committee on the grounds that the bill is "very similar" to his bill which was unanimously approved by the Senate Judiciary Committee in the 98th Congress. But Senator McClure has made a major change. The bill the Judiciary Committee approved last year contained a provision which prohibited the interstate sale of snub-nosed handguns (the Saturday Night Specials used in two-thirds of handgun crime). As reintroduced, the McClure-Volkmer bill would legalize the interstate sale of handguns.

Handgun Control responded quickly to this legislative sleight-of-hand by working to get a number of Senators to indicate to the Senate leadership that they had problems with the legislation. Several Senators have placed "holds" on the measure, a move which at least temporarily delays Senate consideration. In the meantime, we have been working to ensure that members of the Senate and their staffs know Senator McClure has changed the committee bill. More importantly, however, we must sensitize Capitol Hill to the specific problems the McClure-Volkmer bill would create for the police and the law enforcement community. You can help us in this effort by writing and/or phoning your Senator to tell him or her that you oppose this attempt to overturn the 1968 Gun Control Act's ban on the interstate sale of handguns. Remember, our time is short.

Future Plans

The Handgun Control Conference

The Handgun Control Conference will be held on June 22, in Washington, D.C. All Handgun Control supporters are invited to attend. The Conference will feature four one-hour workshops on working with the media, the legislative process, local lobbying, and fundraising. A U.S. Congressman will speak about the importance of Handgun Control, Inc., as a force on Capitol Hill. The Conference will give supporters an opportunity to share their views on the handgun issue in America. If you would like to attend the Conference, please

check the box below, and return this form to us by May 1. You will receive our registration brochure which provides information on Conference scheduling, fees, and hotel accommodations. Conference registration fee is \$35, which includes lunch, dinner, all workshops and speakers.

☐ Yes, I want to attend Handgun Control's Conference in Washington. Please send me my registration materials.

Name _____

Address _____

City _____ State _____ Zip _____

The Handgun Information Center

LET'S KEEP HANDGUNS OUT OF THE WRONG HANDS.



A New Response to Handgun Violence in America

Few Americans know that one child is killed in a handgun accident every day. Few Americans realize that over 100,000 handguns are stolen from law-abiding citizens every year. Many of these stolen handguns are used to commit other crimes. While legislative initiatives may have an impact on handgun violence, we cannot ignore the 60 million handguns that are already in circulation and which contribute to the hundreds of thousands of deaths and injuries each year.

A great deal of America's handgun violence could be prevented if handgun owners had proper information on how to keep their handguns out of the wrong hands. Many handgun deaths—accidental deaths, suicides, alcohol and drug-related incidents, for example—could be prevented with education on the dangers and responsibilities of handgun ownership.

There are approximately 25 million handgun owners in America. Every year, millions of Americans consider purchasing a handgun. These handgun owners, and potential owners, need information on how they can help reduce handgun violence. For too long, that information has not been available.

The time has come for the public to get the truth about handgun violence in America. Widespread education is an absolute must if we are ever to stop the horrors of handgun abuse, keep handguns out of the wrong hands, and save innocent lives.

The Handgun Information Center, a new, non-profit, education and research organization, was founded to inform Americans how handguns fall into the wrong hands and what steps they as individuals can take to prevent future tragedies. The Center's program seeks especially to show handgun owners, and those considering a purchase, what they can do to keep handguns out of the hands of children, burglars, alcohol and drug abusers, and the mentally disturbed. In addition, The Center will seek to draw parents' attention to the real dangers of handguns in their own homes and in the homes of neighbors where their children may play. N.T. "Pete" Shields serves as The Center's Chairman.

The Center, working with the Police Executive Research Forum (a national organization of law enforcement executives) has developed a bold initiative which, for the first time, involves the cooperation of the police, handgun owners, community leaders, and the public, to help reduce handgun violence.

The centerpiece of The Center's new program is "Handgun Safety Guidelines," a brochure researched and written by

police. The "Guidelines" offers police-approved recommendations on how handgun owners can prevent handgun tragedy in their own homes. The booklet also provides safety recommendations and suggests the local, state, and federal laws of which handgun owners should be aware. "Guidelines" is already being distributed by more than 45 police departments across the country.

The Handgun Information Center will conduct an aggressive campaign in the next five years to educate Americans about the severity of handgun violence. On April 1, The Center launched its first city-wide "Prevent Handgun Violence" campaign in Charlotte, North Carolina. The month-long project, featuring Charlotte Police Chief Mack Vines, is a comprehensive effort to show Charlotteans how they can prevent handgun violence in their community.

The campaign utilizes a series of television and radio public service announcements to illustrate the ways handguns fall into the wrong hands and what handgun owners might have done to prevent such tragedy. In each ad, Chief Vines provides information on how to obtain "Handgun Safety Guidelines" through the local police.

In addition, The Center has produced, for use by community and civic organizations, a "Prevent Handgun Violence" video, based on "Handgun Safety Guidelines" and featuring police officers. Throughout "Handgun Safety Month," police and other spokespersons will address the community and seek public awareness of the dimensions of handgun violence.

The overall program of The Center is exciting and ambitious. The Center will take its "Prevent Handgun Violence" project to at least ten cities in the next 18 months. In addition, The Center will establish a Handgun Violence Prevention Task Force. In the aftermath of a local handgun tragedy, Center staff will meet with community leaders to implement a handgun awareness program to prevent future tragedies. The Center will develop a volunteer network of "Court Watchers," who will monitor the criminal courts and report to the media the sentences each judge gives handgun criminals. The organization will also serve as a national clearinghouse of research information on the handgun issue, including handgun production data, public opinion surveys, crime statistics, and studies on the effectiveness of handgun laws both in the U.S. and abroad.

As The Center expands its programs, we are confident that the effects will be measurable: criminals using handguns will receive tougher sentences from tougher judges; fewer children will be killed or injured in handgun accidents; alcohol-related handgun accidents will decrease; addicts high on drugs or desperate for drug money will have a tougher time getting handguns; and burglars will have fewer opportunities to steal handguns.

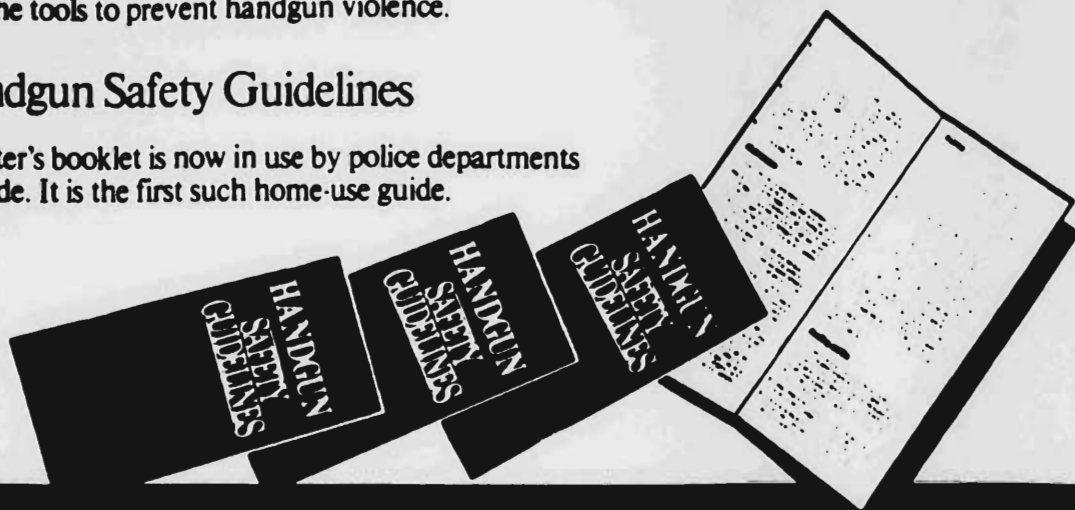
On the following pages you will find an outline of the overall program of The Handgun Information Center. We hope you will help us to make this new initiative a great success.

The Program

With Police leadership, The Center is conducting a national education campaign to reach the public — especially handgun owners — with the tools to prevent handgun violence.

1. Handgun Safety Guidelines

The Center's booklet is now in use by police departments nationwide. It is the first such home-use guide.



2. Media Education Campaign

Test the Campaign (early 1985 market test)

Measure the Impact
(before and after studies in the test market)

Expand the Campaign Nationwide

- 1985 target markets
- 1986 target markets
- 1987 target markets
- 1988 target markets



3. Handgun Violence Prevention Task Force

In communities aroused by handgun violence, The Center's Task Force representatives work with local police, community leaders and the media to establish an effective education program to prevent future violence by keeping handguns out of the wrong hands.

4. Court Watch

Volunteers seek the accountability of judges by monitoring the criminal courts and reporting to the media and public the sentences each judge gives handgun criminals.

5. Research

The Center conducts studies on the effectiveness of foreign, state and local handgun laws; on methods to prevent handguns from falling into the wrong hands; and on attitudes toward handgun ownership.

MEDIA EDUCATION CAMPAIGN TO PREVENT HANDGUN VIOLENCE

Local Leadership Plan

Developed with local community leaders, police and media

Handgun Safety Guidelines

Booklet made widely available through local police, businesses and media.

Television Advertising Campaign*

TV ads (paid and public service) feature the local police offering guidelines on how to keep handguns out of the wrong hands.

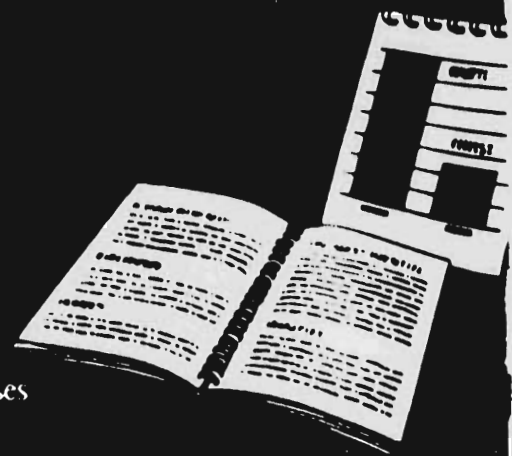


Newspaper and Radio Ads*

Complementary advertisements to reinforce the TV campaign.

Handgun Violence Prevention Video*

A 10 to 12 minute "handguns in the wrong hands" video, featuring the local police, for presentation to community groups by police and local officials



* The Center's materials are in a generic format for use nationwide. These materials can be adapted for local treatment to feature local law enforcement officers and information on handgun violence.

How You Can Help

Send for a free copy of "Handgun Safety Guidelines."

If you know someone who has a handgun or is considering a purchase, he or she should read this booklet. It provides police-approved recommendations for the safe maintenance of handguns in the home, describes how handgun owners can prevent handgun violence in their homes and communities, and suggests what citizens should know about handgun ownership.



For your free copy, please send a stamped, self-addressed, business-size envelope to: The Handgun Information Center, 1400 K Street, N.W., Suite 500, Washington, D.C. 20005.

Make a Contribution

☐ Yes, I know that widespread public education is vital to the fight against handgun violence. Enclosed is my tax-deductible contribution of:

- ☐ \$15 ☐ \$50
☐ \$25 ☐ \$100
 ☐ Other

Name _____

Address _____

City _____ State _____ Zip _____

Please make checks payable to: The Handgun Information Center.

Get Involved

I want to participate in The Center's public education campaign. I'm interested in the following:

- ☐ Offering "Handgun Safety Guidelines" to my local police department.
☐ Organizing a meeting to show the "Handgun Violence Prevention" video in my community.
☐ Distributing to local businesses stand-up displays and posters for "Handgun Safety Guidelines."

Name _____

Address _____

City _____ State _____ Zip _____

The Handgun Information Center is a non-profit, tax-exempt, education and research organization established to educate the public on how they can help keep handguns out of the wrong hands. Contributions to The Center are tax-deductible under Section 501(c)(3) of the Internal Revenue Code.

Paid for by the Handgun Information Center.

Please detach page and return by May 1, 1985

Mail to: Handgun Control, Inc., 1400 K Street, N.W., Suite 500, Washington, D.C. 20005

Vote For One: Because of threats by the gun lobby to disrupt this election, only original ballots will be accepted. Please do not return copies of this page. Election results will be published in the next issue of "Washington Report."

Candidates (listed alphabetically)

☐ **John Corderman**
Hagerstown, Maryland

Circuit Court Judge; Graduate University of Maryland, B.A. 1965; University of Maryland School of Law, J.D. with Honors, 1968; Deputy State's Attorney for Washington County, 1971-74; Maryland State Senator, 1975-77; Circuit Court Judge, 1977-present; President, Maryland State Bar Association, 1984-85.



66I have been a member of and regular contributor to Handgun Control, Inc., for approximately four years. As a prosecutor, State Senator and Judge, I have been increasingly alarmed by the level of handgun violence in this country. Since becoming a member of Handgun Control, Inc., I have spoken before numerous groups and organizations about this national disgrace and the tragedy of needless gun deaths. As a Judge, I have treated crimes committed with firearms as the serious felonies which they are and I have seen, firsthand, the damage done to victims and their families as a result of the senseless and careless use of firearms. I joined Handgun Control, Inc., because of its reasonable, deliberate and rational approach to this sensitive and potentially emotional issue. I would very much like to have the opportunity to further assist the organization as a member of its Board of Directors. 99

☐ **Mercer Tate**
Philadelphia, Pennsylvania

Lawyer; Amherst College; Harvard Law School; Active with handgun control in Philadelphia since 1968; Organizer of Pennsylvania Coalition for Handgun Control; Long time member of Handgun Control, Inc.; Delegate, Pennsylvania Constitutional Convention, 1967-68; President, Fellowship Commission of Philadelphia, 1978-82; United Neighborhood Centers of America, President, 1982-84; Arthritis Foundation, National Delegate, 1979-present.



66My legislative and advocacy skills should be able to bring external strength to HCI, and my ability to find consensus should bring internal strength to HCI. 99

☐ **Dave M. Davis, M.D.**
Atlanta, Georgia

Forensic Psychiatrist

66My interest in Handgun Control, Inc., began six years ago when I was robbed at gunpoint on the streets of Washington, D.C. Two years later, I witnessed a murder when the drivers of two cars in front of me at a traffic light got into an argument over the light, with one impulsively shooting the other mortally through the chest. The perpetrator was acquitted of murder but I later saw him in the office and his life was ruined. He lost his job, his wife left him and he spent all his money on his defense.

In my occupation as a psychiatrist, with subspecialties in clinical and forensic psychiatry, I often am called upon to examine very disturbed people, and it certainly is frightening to talk to them and learn that they own one or more personal handguns. In my work as a forensic psychiatrist, I am often called on to examine people charged with murder. Some of these are "murderers" who have shot their friends or relatives in a fit of passion.

Therefore, if I get to serve on the Board, I will work to do whatever is practical to place the fewest number of guns in the fewest hands, in the most difficult way possible, with the most restrictions, the most registration, and the strictest qualifications possible. I have lived in Germany, England and Japan, all of which have stringent gun control laws, and I can tell you that it makes a difference. 99



☐ **Charles Ticho**
Woodcliff Lake, New Jersey

President of Performance Designs, Inc.; former president of Lions International—New York; president of American Field Service—Bergen County; vice president Directors Guild of America; Producer/director of audio-visual productions and convention programs.



66Active in HCI since brother's murder in 1977. Organized memorial fund, membership recruitment efforts, and letter writing campaign. Assisted, through own corporation, in the distribution of the "San Ysidro" public service television announcement. Acted as spokesman in New Jersey area on behalf of HCI in person, in print and on television.

With HCI entering the public education field and with the advent of its national convention, my specialized professional experience in these two important areas may be of particular use and my extensive contacts with associations in Washington may serve HCI as it expands its areas of activity. 99



by Pete Shields

Voting Procedures

I am pleased to send you this issue of "Washington Report," which contains your ballot to vote for a new member of the Handgun Control Board of Directors. As you can see, we have given you four exceptionally well-qualified choices. I hope you will participate in this valuable election process.

Nominating forms for the new Board Member were printed in the December issue of this newsletter and we were delighted by the response. More than 30 members volunteered to serve on the Handgun Control Board—the policy-making arm of our organization. Determining which four individuals would be included on the ballot was not an easy task. Our Nominating Committee spent hours deciding which of these exceptional candidates would be presented for your consideration. I hope you'll agree we've chosen an impressive slate.

As expected, the voting procedure for this election will not be trouble-free. An article in a recent gun lobby publication suggested that pro-gun individuals do their best to disrupt our voting process by submitting their own ballots. For this reason, this newsletter has been mailed only to members of Handgun Control—those who have made a contribution to the organization within the last two years. Because of these threats, we cannot accept any ballot copies or facsimiles. Only original ballots can be accepted.

We will announce our new member of the Board in the next issue. I appreciate your enthusiasm and willingness to participate in this important election.

Member Privileges

In addition to the annual election of a member of the Board, you—as a member of Handgun Control—are entitled to other membership privileges. You are entitled to participate in our annual meeting which will be held on June 22, in Washington, D.C. The Handgun Control Conference will bring members of Handgun Control together to learn more about the issue, our plans for the future, and how you can become more involved in working for passage of tougher handgun laws. The Handgun Control Conference is your opportunity to learn how you can help make Handgun Control's goals a reality. You'll find registration and reservation information on page two. I hope many of you will take advantage of this opportunity to meet us here in Washington. I'm looking forward to a productive and informative Conference.

If, however, you're unable to attend, please let me know your ideas and opinions on our program. We are your voice—your representative—and we need to hear from you. Every year, we call thousands of our members to find out what concerns them most and how they feel we can best reach our goals. Don't be afraid to tell us what you think—we want your advice.

HANDGUN CONTROL

**ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.**

Handgun Control Inc.
1400 K Street N.W.
Suite 500
Washington, D.C. 20005

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Barbara Lautman, Editor (202) 898-0792

Vol. 11, No. 2

Up Front

McClure Gun Decontrol Bill Passes Senate Congressman Rodino Introduces New Handgun Control Legislation

Despite the opposition of major law enforcement organizations and *Handgun Control*, the U.S. Senate approved a much-weakened version of the McClure Gun Decontrol Bill (S. 49) on July 9 by a vote of 79-15. The bill, which would allow interstate handgun sales barred since 1968, has been hailed by the National Rifle Association as the "first step toward repeal of the 1968 Gun Control Act."

Although the measure still contains many provisions which will hinder law enforcement efforts to fight violent crime, *Handgun Control* lobbyists, working closely with the Senate leadership, succeeded in negotiating last-minute changes which deleted several of the bill's most damaging provisions. In addition, *Handgun Control* lobbyists were able to add one major improvement: a ban on the importation of Saturday Night Specials. These changes significantly reduce the McClure bill's damaging effects.

Handgun Control managed to block passage of the McClure bill for six years: each time the bill was considered, *Handgun Control* was able to weaken its damaging provisions. This year, however, Senator McClure employed an extraordinary parliamentary tactic which brought the bill directly to the Senate floor—without any hearings or Committee consideration. Because public hearings were not held, police organizations and law enforcement officials did not have a chance to let the Senate know that they oppose the bill and instead, support a waiting period and background check for handgun purchasers.

In spite of police support for a waiting period and opposition to interstate handgun sales, amendments by Senator Kennedy (D-Mass.) and Senator Inouye (D-Hawaii) to correct these features of the bill, failed in floor votes. Several Senators who met with representatives of the law enforcement community did vote with *Handgun Control* on these important amendments.



Congressman Peter Rodino (D-NJ) and Pete Shields plan strategy to strengthen federal handgun laws.

The McClure bill now moves to the House of Representatives for consideration, where Congressman Peter Rodino (D-NJ), a long-time handgun control supporter, chairs the House Judiciary Committee. Congressman Rodino's Committee has jurisdiction over all gun bills in the House and Rodino has promised he will do his best to amend the McClure bill with important handgun control features.

Congressman Rodino has also introduced new legislation designed to keep handguns out of the wrong hands. The bill, H.R. 3155, would require a waiting period and background check for handgun purchasers; impose new restrictions on the private ownership of machine guns; and make other technical changes in the 1968 Gun Control Act. Congressman Rodino will hold hearings on his bill and the McClure-Volkmer bill, this fall.

The National Rifle Association, however, has mounted a challenge to Committee consideration of the bill. NRA-backed legislators do not want the close scrutiny of Judiciary Committee hearings, and have started a drive to bypass the Judiciary Committee and instead bring the bill directly to the floor of the House for a vote. *Handgun Control* and the many police organizations involved in the fight against S. 49 have written to House members urging that they oppose the NRA challenge and give the law enforcement community an opportunity to speak out on the bill.

It is vital that *Handgun Control* members write to their Representatives in support of the new Rodino bill and against S. 49. The police, whose job is to fight violent crime, know that strengthening our federal controls on handguns will aid in their battle against handgun violence. Our lawmakers need to hear that the American people stand with the police in opposition to weakening our nation's gun laws.

Police and Handgun Victims Rally to Oppose Bill

Because the McClure-Volkmer Bill was scheduled for a Senate vote with little advance warning, *Handgun Control* advocates did not have much time to marshal forces in opposition to the bill. However, *Handgun Control* did orchestrate a solid showing of opposition on Capitol Hill.

On July 8, the day before the Senate vote, *Handgun Control* worked with law enforcement organizations to coordinate a major police press conference on Capitol Hill. Representatives of every major police organization in America attended, as well as police chiefs and state troopers from around the nation. These organizations and individual police chiefs and troopers called upon the Senate to block the McClure bill's interstate sales provision and instead, enact a waiting period and background check for handgun purchasers.

The police organizations attending the press conference included: The International Association of Chiefs of Police; The National Troopers' Coalition; The National Organization of Black Law Enforcement Executives; The Fraternal Order of Police; and The Police Executive Research Forum.

These organization representatives and individual chiefs and



Pete Shields and other victims of handgun violence face the cameras at Capitol Hill press conference. Photo by Jason Miccolo Johnson.

Maryland handgun victims (clockwise) Lois Hess, Matt Fenton, Jeff Silverman, and Robin Woolford, meet with Senator Charles Mathias (R-Maryland) to discuss S. 49. U.S. Senate Photograph.



state troopers spent two days meeting with Senators and Senate staff to voice their opposition to the bill. Many Senators were surprised to hear that the police opposed the bill, which the NRA has characterized as a pro-law enforcement measure. The NRA told Senators that the Fraternal Order of Police and the National Sheriff's Association supported the measure when, in fact, both groups solidly oppose key provisions.

On July 9, *Handgun Control* hosted another press conference on Capitol Hill. Victims of handgun violence from across the country gathered to tell their stories and urge the Senate not to pass the McClure bill. These Handgun victims also lobbied their Senators and met with Senate staff.

The press conferences succeeded in bringing national attention to the Senate vote. Network television aired stories on *Handgun Control* and police efforts to fight the bill. When the votes were tallied, it was clear that although *Handgun Control* advocates and the police lost the final Senate battle, our voices had been heard. Police and handgun victims succeeded in convincing several Senators to vote for a waiting period for handgun purchasers and vote against allowing interstate handgun sales.

Senator Nancy Kassebaum (R-Kans.), in a piece she authored for the Topeka (Kansas) *Capitol Journal*, wrote, "When law enforcement officers, who face daily the dangers and dilemmas of firearm crime unite in asking Congress to ban interstate sales of handguns and require a waiting period for handgun purchases, I believe Congress should listen. I regret that the Senate did not."



Mary Wilson of Chicago, whose son Ben, the nation's top-ranked basketball player, was killed with a handgun, urges the Senate to strengthen federal handgun laws. Photo by Jason Miccolo Johnson.



Richard Boyd, National President of the Fraternal Order of Police, outlines police problems with McClure bill. Photo by Jason Miccolo Johnson.

Representatives of national police organizations voice opposition to McClure bill at June 8 press conference on Capitol Hill. Photo by Jason Miccolo Johnson.



News Briefs

Corderman Elected to Board of Directors

The Honorable John Corderman, a Maryland Circuit Court Judge, was elected to the Handgun Control Board of Directors by the members of *Handgun Control*. Judge Corderman has been a member of and contributor to *Handgun Control* for four years. In his ballot statement (March, 1985, "Washington Report") he wrote, "I joined Handgun Control, Inc., because of its reasonable, deliberate and rational approach to this sensitive issue." Judge

Corderman brings to the Board expertise in the workings of the criminal justice system and a deep commitment to passage of federal laws to keep handguns out of the wrong hands.



"Safe Streets Petition" Gains Support

Handgun Control's "Safe Streets Petition," which calls upon Congress to enact a waiting period and background check for handgun purchasers, a law requiring a license to carry a handgun, and mandatory jail terms for using a gun in a crime, has been signed by more than 250 police chiefs across the nation. In addition, over 150 nationally-known business, entertainment, and community leaders have added their names to support tougher federal

handgun control laws.

Handgun Control launched the Safe Streets Petition drive on March 30, 1985, the fourth anniversary of the shooting of President Reagan. The petition to Congress includes the signatures of police chiefs from Anchorage, Alaska to Atlanta, Georgia, and celebrities such as Paul Newman, Bob Hope, Lauren Bacall, Ted Danson, Barbara Bel Geddes, Gregory Peck and Kate Jackson.

Handgun Control at Work

Handgun Control Conference: A Smashing Success

by Meloni Craig
Network Director

Members of *Handgun Control* from across the country gathered in Washington, D.C., on June 22 for the first Handgun Control Conference. The conference, designed to show members and activists how they can become more involved in the fight for tougher handgun laws, featured workshops and lectures on the handgun issue in America.

The Conference began early with opening remarks by *Handgun Control* Executive Vice President Charles J. Orsini, who outlined *Handgun Control's* efforts to fight the McClure bill, and discussed ways that the membership could help in the battle. Following the opening remarks, workshops to inform Conference participants about the full scope of the handgun issue were led by *Handgun Control* staff.

Barbara Lautman, Communications Director, led a workshop on "Working with the Media." Attendees observed videotapes of activists debating NRA representatives, recording public service announcements and appearing on talkshows. Barbara discussed tips for developing media contacts, appearing on talkshows, and NRA debating tactics. Barbara also outlined methods used by professionals to assure media coverage.

Susan Dankoff Menick, Director of Development, led a workshop on local fundraising. After explaining *Handgun Control* methods for raising funds nationally, Susan gave advice to members who want to help boost membership at the local level and assist the national office in fundraising research and planning.

A third workshop, led by Mary Louise Westmoreland, Legislative Director, provided background on the legislative process and



Congressman Robert Torricelli (D-NJ) describes his congressional election victory over an NRA-backed opponent. Photo by Jason Miccolo Johnson.

detailed the status of current legislation. With the McClure-Volkmer battle in full swing, participants received a rare look into the backstage events surrounding *Handgun Control's* role in negotiations over the McClure bill.

A highlight of the Conference was keynote speaker Congressman Robert Torricelli (D-NJ), who talked about his 1982 congressional election victory over an NRA-backed incumbent. Congressman Torricelli believes that his support for tougher handgun laws was the major reason for his victory. Even though the NRA spent thousands of dollars to defeat him, Torricelli did not

Continued

Center Launches Prevent Handgun Violence Campaign

The Handgun Information Center was formed by Pete Shields to educate Americans about ways they, as individuals, can help reduce handgun violence. The Center seeks to inform handgun owners and those considering the purchase, the risks and responsibilities involved in handgun ownership and what they can do to reduce the chance of injury or death.

The Center conducted its first "Prevent Handgun Violence" project in Charlotte, North Carolina, in April. With Police Chief Mack Vines as the program's spokesman, the multi-media campaign publicized this public safety issue through TV, print and radio advertisements, police presentations to the community, and The Center's handgun safety videotape. Thousands of Charlotteans received copies of "Handgun Safety Guidelines," which outlines the dangers and responsibilities of handgun ownership and provides information on safe handling, storage and maintenance of handguns in the home.

Harvey Gantt, Mayor of Charlotte, fully supported the program and at the kick-off press conference proclaimed April "Handgun Safety Month." In addition, the city distributed "Guidelines" to each city employee in their April paychecks, the city-run cable TV channel included program information, the Charlotte Transit Authority placed handgun safety posters in each of the city's buses as a public service, and the city included a special insert describing the program in the water company's April statement to 116,000 households. This insert was so successful that the water company plans to include city program information in future statements.

Corporate involvement in the campaign was extensive—many local businesses enclosed "Guidelines" with their employees' paychecks; others, such as the local 7-Eleven stores made "Guidelines" available to their customers; and hospitals placed displays in their waiting rooms. Many invited the police to make handgun safety presentations to their management and employees. The result of this aggressive campaign was that over 90,000 brochures were distributed within the Charlotte community during April—and the requests continue.

In addition, Chief Vines and his staff met with local gun club representatives as well as gun store and pawnshop owners to solicit their cooperation in the project. While at first hesitant, all except one supported the campaign. The gun stores and pawn shops agreed to distribute "Guidelines," and the gun clubs offered free handgun safety instruction throughout the month of April.

Mecklenberg County Sheriff C.W. Kidd, Charlotte's other major local law enforcement authority, was also very supportive of our program. Sheriff Kidd's office is responsible for issuing handgun permits and Sheriff Kidd agreed to distribute "Guidelines" to each person seeking a permit. Respondents to a questionnaire distributed by Sheriff Kidd overwhelmingly approved of the "Guidelines," praised the program, and many thanked the Sheriff for making this information available to them.

Not only did the police department work with the media, community groups, and businesses who committed their support prior to the campaign, but they continued seeking new ways to reach out into the community. Chief Vines' office mailed letters seeking support to the private school system, to Charlotte businesses (with the assistance of the Chamber of Commerce) and to Charlotteans who have had firearms stolen from their

homes in the past three years. Each mailing offered "Guidelines" and whatever assistance the department could provide.

Everyone associated with the program rated it highly. It raised the issue of handgun safety to a high level of community awareness and provided the opportunity for the police to bring a positive program into the community and meet citizens in favorable settings. John Hayes, Director of the Public Housing Authority's Crime Prevention Program, summarized the program's success: "The program opened up avenues for people to think about handgun safety. They realize they have a right to be concerned about who has a gun and how they use that gun."

While everyone involved in the campaign believes it was a huge success, the National Rifle Association would have liked to have seen it fail. The NRA refuses to discuss the dangers and responsibilities of handgun ownership and is threatened by The Center's program to bring this information to the community. In fact, the Washington office of the NRA attempted to dissuade Chief Vines from participating in the project. Fortunately, Chief Vines recognized the need for a handgun safety campaign in his community and was able to convince even the local NRA representatives to assist his department.



Since the end of the campaign, however, the NRA has attempted to discourage other police departments from cooperating with The Center or from distributing our "Handgun Safety Guidelines"—criticizing it as "propaganda." It is doubtful that they will succeed, however, as one major police organization, the Police Executive Research Forum, wrote the "Guidelines" for The Center and assisted The Center in administering the Charlotte project. In addition, the brochures are now being distributed by over 90 police departments across the U.S. and more are requesting brochures each week.

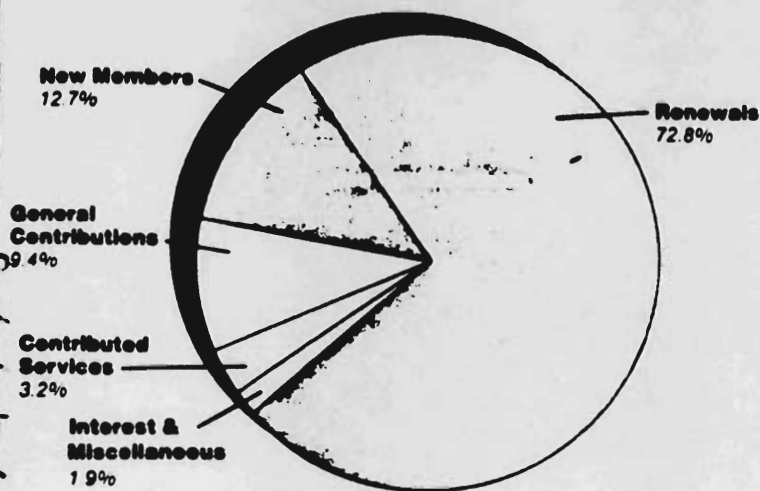
Apart from seeking additional cities interested in conducting a program similar to the Charlotte project, we realize we must take our safety message nationwide. We plan to conduct a national multi-media campaign, featuring police officials and well-known Americans, which emphasizes the risks of handguns in the home and what steps individuals can take to prevent accidental injuries and deaths. We will place advertisements in major magazines and air a new series of public service announcements featuring Michael Gross of the NBC program "Family Ties."

The Center is confident that with an expanded national program, together with localized projects, we will succeed in raising the level of awareness about the extent of handgun violence in America and in bringing information to handgun owners across the country about home safety precautions. Through broader education, The Handgun Information Center can help reduce the staggering toll of handgun violence in America.

HANDGUN CONTROL, INC., is a nonprofit organization dedicated to enacting federal legislation to keep handguns out of the wrong hands. It relies entirely on the public for support of its operations. We are pleased to provide information on our programs and finances to the public and to the private organizations and state agencies that require such reports. An audited financial statement and additional information is available upon request.

Financial Statement

1984—Where the funds came from ...

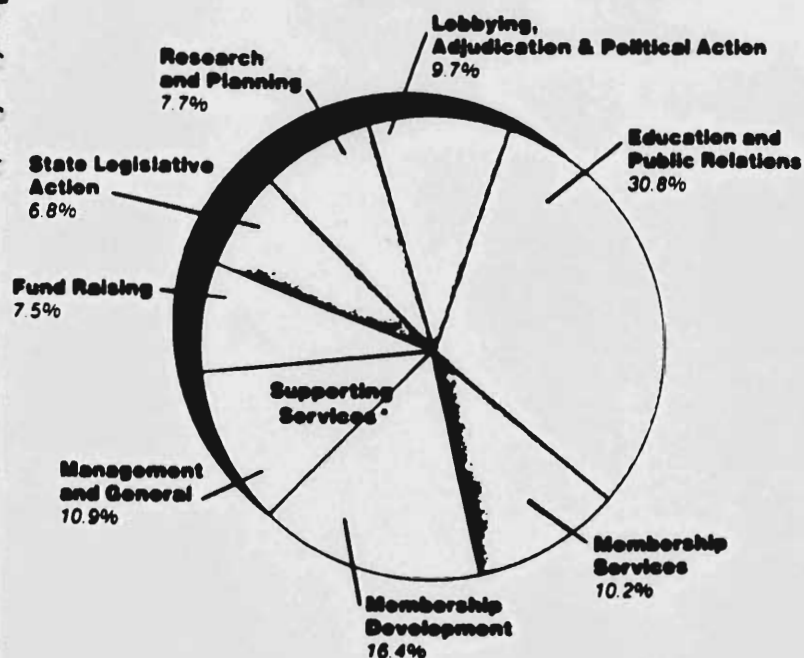


REVENUES

Membership Dues and Contributions:

Renewals	\$1,585,211
New Members	277,460
General Contributions	204,128
Contributed Services	70,168
Interest Income & Miscellaneous	41,311
Total Revenues	\$2,178,278

... and how they were spent:



EXPENSES

Program Services:

Membership Services	\$ 224,299
Education and Public Relations	680,942
Lobbying, Adjudication and Political Action	212,925
Research and Planning	170,148
State Legislative Action	150,098
Total Program Services	\$1,438,412

Supporting Services:

Management and General	\$ 240,456
Membership Development	363,055
Fund Raising	165,652
Total Supporting Services	\$769,163

Total Expenses

\$2,207,575

EXCESS OF REVENUES OVER EXPENSES

\$ 29,297

FUND BALANCE, BEGINNING OF YEAR

220,850

FUND BALANCE, END OF YEAR

\$191,553

*Supporting Services expenses, at approximately 35% of income, are well below the 50% ceiling generally used as a guideline for reasonable administrative and fund-raising expenses by the Council of Better Business Bureaus' Philanthropic Advisory Service

Figures cited are from the 1984 audited report conducted by the firm of Matthew Carter and Boyce, 1777 North Kent Street, Suite #806, Arlington, Virginia 22209

Chairman's Corner

The Gun DeControl Battle

By Pete Shields

Many of you have written since the Senate voted to pass the McClure bill to express your concern, outrage and disappointment over this vote. I am not only disappointed but truly angry that the U.S. Senate so blatantly ignored the wishes of the public and the police by voting to weaken, rather than strengthen, America's gun laws. But as disappointing and frustrating as this loss is, some significant accomplishments have come out of our fight against this bill.

As you can see from the reports in this newsletter, we succeeded on several fronts. We deleted the provision which would have allowed "simple carelessness" as a defense for gun dealers who break the law. Our lobbyists convinced the Senate leadership to bring the cop-killer bullet bill to the Senate floor for a vote. More important, we were able to add an actual improvement on existing law: an amendment to ban the importation of Saturday Night Special parts.

The bill which the Senate voted on contains fewer damaging provisions than it has in the past. Over the years, we succeeded in removing many damaging provisions including one which would have legalized mail-order gun sales. Other technical changes were the direct result of our presence on Capitol Hill.

Most important of all, however, is that we were able to enlist the support of the entire law enforcement community in this fight. The NRA's support of the McClure bill, and their opposition to a ban on cop-killer bullets, brought the police out in force. These law enforcement experts, who risk their lives to fight violent crime, publicly joined our efforts to strengthen America's gun laws. Many of these individual police chiefs, police officers, state troopers, and the national police organizations came to Washington to ask the

Senate to vote against allowing interstate gun sales.

Although the law enforcement support was not in time to significantly influence this Senate vote, it proves that if we can mobilize the police quickly and effectively, we can make a difference in this fight as the bill moves to the House of Representatives.

In the House, Congressman Rodino will do all he can to assure that our nation's gun laws are not weakened. But the National Rifle Association has mounted an extraordinary challenge to Rodino's support for tougher handgun laws. The NRA is asking other House members to "discharge" the bill from Rodino's Committee and bring it directly to the House floor for a vote. We are working closely with the police and concerned citizens to see that this does not happen—to assure that the powerful concerns of the police and the public are heard.

The threat to our nation's gun laws is real. Allowing interstate handgun sales, as this bill would do, chips away at the very foundation of our federal gun laws. But as more police and more citizens join with us in opposition to this bill we are confident that we will succeed in preventing repeal of vital handgun crime control laws.

Our police are important spokespersons on issues affecting violent crime. But your support is equally important. Our politicians will only listen to the police if they are convinced that you agree with your police and stand with them in this fight to save America's gun laws. In the Senate, our success in negotiations was due to your support. Our opponents in this battle only listened to us because of our political and public clout—because you stand with us.

When hearings are held on this bill, your positions and arguments will be vital. You and your police make up a key lobbying team in this fight. And this is where we must concentrate if we are to stop the McClure-Volkmer bill and instead strengthen our laws. With the American people and our nation's police working together, we can succeed.

Member's Corner

If you are having problems with mail from *Handgun Control*, please return this coupon to us with the mailing label on this newsletter. Please allow 6 to 8 weeks for changes.

☐ Please eliminate the duplicate listing of my name in your computer. Mailing labels showing both listings are enclosed with an indication of which is to be removed from your list.

☐ Please do not rent or exchange my name with other organizations.

☐ Please change my address, effective _____, to

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

☐ Other comments or problems _____

If you receive a request to join *Handgun Control* and are already a member, please pass it along to a friend. Despite our best efforts to eliminate our members' names from lists rented for membership recruitment, variations in name or address inevitably cause some to be overlooked by the computer. Asking other organizations to which you contribute not to exchange your name is the only way to avoid this problem.

Membership Department, Handgun Control, Inc., 1400 K Street, N.W. #500, Washington, D.C. 20005

I Know S.49 Must Be Stopped!

Enclosed is my contribution to stop the NRA's assault on our federal gun laws.

___ \$15 ___ \$25
___ \$50 ___ Other

Please make checks payable to: Handgun Control, Inc., and return to: 1400 K Street, N.W., Suite 500, Washington, D.C. 20005.

Name _____

Address _____

City/State/Zip _____

Special Legislative Action

TO: Handgun Control Supporters
FROM: Pete Shields *P.S.*
RE: Fighting back!

September 20, 1985

I know you share my anger that the U.S. Senate acted for the NRA and against the police and ordinary citizens when it voted in July to weaken our only national handgun control law.

And the picture I'm holding in my hands would make you even madder. It was featured in an NRA newspaper.

It shows one of the NRA's lobbyists flanked by Senators Hatch, McClure, Dole and Thurmond -- cutting a victory cake shortly after their shameful action. They're all smiling.

A victory cake! In honor of making it easier for criminals to get their hands on deadly handguns!

The photo was sent to me by one of your fellow Handgun Control supporters along with a note that said: "Pete, what can we do to fight back?"

That was just one of thousands of letters and phone calls I've received since the Senate's vote. And almost all of them asked the same thing: "How can we fight back?"

I'm writing to you this morning to answer that question -- and to tell you how you can help.

In a capsule, here's what we're going to do:

***FIRST, we've already gone on the offensive in the House of Representatives. Our ally, Chairman Peter Rodino of the House Judiciary Committee, has introduced a new handgun control bill, and he has announced plans for nationwide hearings on handgun control.

Through Congressman Rodino, we will take our case directly to the American people and force the Congress to fully examine and understand the true nature of the NRA's legislation.

***SECOND, we have forged an unprecedented coalition of law enforcement officials and citizens who favor handgun control.

(over please)

This coalition includes every major police organization in our country AND over 300 police chiefs from across the nation. Once strong allies of the NRA, law enforcement officers are now stunned by the disregard that the pistol lobby has been showing for their lives -- and they are extremely anxious to work with you and me to keep handguns out of the wrong hands.

They will speak out to let the American public know that two out of every three police officers who die in the line of duty die as a result of handgun violence.

The police know that any legislation that loosens restrictions on handguns will jeopardize their lives even more every time they put on their uniforms. And they're ready to join us to prevent that from happening.

***THIRD, we will take our message right to the home districts of key Congressmen around the country.

We will run advertising in the hometown newspapers and on local television stations in the districts of fence-sitting Congressmen to let the voters know what the NRA is trying to pull over on them ... and what they can do to fight back.

The NRA has already tried to stop our television campaign -- and failed. Now we have the opportunity to turn up the heat on key Congressmen through grassroots tactics that will bring the handgun issue out in the open.

We will also open regional field campaign offices to mobilize our forces and create so much public awareness -- and anger -- that it would be political suicide for any Congressman who turns his back on his constituents to vote for the NRA.

And -- getting even tougher -- through our political action committee we will aid candidates who are challenging incumbent Senators and Congressmen who are in the NRA's pocket.

We will also make sure voters know how their Senators voted:

In New York ... where Senator Alfonse D'Amato voted for the NRA -- after accepting \$30,000 in financial support from them.

In Pennsylvania ... where Senator Arlen Specter has been urging background checks of people who work in day care centers -- but voted against background checks for criminal and deranged handgun purchasers who could shoot our children.

In Florida ... where Senator Paula Hawkins voted for the NRA --

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Page Three

despite the urgent pleas not to from Florida police chiefs.

And so on ... throughout the country.

The recent Senate vote to weaken our handgun law showed that the senators feared the NRA more than they feared you and me.

But our PAC is going to make sure that doesn't happen again in the Senate or in the House. Our Political Action Committee will give strong financial support to candidates who speak out in favor of handgun control -- and against the self-serving NRA propaganda.

But fighting the NRA on these two fronts will take a great deal of money -- and I must turn to you for financial support at this crucial, yet opportunity-laden time.

If you're as mad as I think you are, please help by ...

... writing out a check to Handgun Control. Your support will help us implement our three-point plan for fighting back by going on the offensive in the House, strengthening our coalition with law enforcement officers and taking our fight to the home districts of key Congressmen.

... AND/OR writing a check to Handgun Control's Political Action Committee. Your PAC contribution will be used immediately to counter the NRA financing of its chummy legislators and to help elect friends of handgun control.

And -- PLEASE -- act as soon as you possibly can. The NRA may still try to use a parliamentary tactic known as a discharge petition to go around Chairman Rodino and ramrod their bill through the House without any public hearing.

To do that, they would need to convince 218 Congressmen to sign a petition to take their legislation directly to the House floor.

The earliest they could pull this shenanigan off would be the second week of October -- so we still have time to block them IF WE ACT IMMEDIATELY.

It comes down to this: We can fight back and regain the ground we lost in the Senate IF we make sure that every Congressman hears from his local police and his constituents -- not just from the NRA.

Your check for \$25, \$50, \$100, \$500 -- or whatever you can afford -- will be put into action the very day it arrives.

(over please)

1(25)

Please help. Today we're mad. But tomorrow we can "get even" by taking the steps necessary to protect against the unchecked spread of handgun violence in our country. Let me hear from you today.

Remember: Everything we're fought for hinges on what happens in the House of Representatives. We have the plan for stopping the NRA in place... now we need your help to make it happen. Time is critical—please respond by October 15 if you can.

85040374983

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

CCC# 9542
Callaway

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

January 23, 1986

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2115

Dear Mr. Steele:

In accordance with section 111.6(a) of title 11, Code of Federal Regulations, I submit this response on behalf of Handgun Control, Inc. ("HCI") to the complaint dated December 17, 1985, from the National Rifle Association of America ("NRA").

NRA is abusing the complaint process authorized by the Federal Election Campaign Act of 1971 ("the Act"). Not only should NRA's complaint result in no action being taken against HCI, there being no reason to believe that HCI has committed a violation, but NRA should be fined for violating section 437g(a)(12)(A) of title 2, United States Code, and section 111.21(a) of title 11, Code of Federal Regulations, by touting the unfounded allegations in its complaint as if true in the January 15, 1986, issue of MONITOR, an "official publication" of the NRA Institute for Legislative Action.

I. NRA COMPLAINS ABOUT HCI MEMBERSHIP PRACTICES THAT WERE RESOLVED
IN AND ARE GOVERNED BY THE CONCILIATION AGREEMENT

NRA admits on page 1 of its complaint that it is seeking to raise settled issues regarding HCI and its members. Letter from Janet K. Sherer to Charles N. Steele (dated Dec. 17, 1985) ("NRA 1986 Complaint") 1 n.1. On July 16, 1984, the Commission and HCI entered into a Conciliation Agreement to govern HCI's membership practices. That agreement is a "complete bar" to further action on these issues unless violated. See 2 U.S.C. 437(a)(4)(A)(i) (1982). Last year, NRA unsuccessfully complained that HCI was violating the Conciliation Agreement. Letter from Janet K. Sherer to Charles N. Steele (dated Jan. 28, 1985) ("NRA 1985 Complaint")

(MUR 1891). This year NRA conspicuously disregards the Conciliation Agreement in its attempt to create a collateral challenge to the Commission's prior resolution of these matters.¹

NRA concedes that its newest complaint is an attempt to second-guess the Commission's Conciliation Agreement with HCI rather than a claim that HCI has violated this controlling agreement:

An earlier FEC directive ordered HCI to revamp its membership structure by assigning specific membership rights to individuals in order to make solicitations for political contributions. NRA's complaint charges that while HCI complied with the directive, it is not yet in compliance with federal law because it has not granted sufficient membership rights to supporters and has continued to solicit political contributions.

MONITOR Jan. 15, 1986, at 1 col. 3 (emphasis added) (a copy of this issue of MONITOR is attached as an exhibit to the Affidavit of Charles J. Orasin). Having failed to engender a justiciable controversy in two previous attempts, NRA takes another shot.

The July 16, 1984, Conciliation Agreement provides in section VII that HCI shall establish, as a requirement for membership, a predetermined minimum amount of dues or contribution and that rights of membership in HCI shall include the right to participate in annual meetings and to elect a Director to HCI's Governing Board.

In fact, each of these provisions is being satisfied by HCI. On August 2, 1985, HCI amended its By-Laws to provide that its members must contribute no less than \$15 to the organization every two years, HCI By-Laws art. VI, para. 1, see exh. 1 to NRA 1986 Complaint; that members had the right to nominate and vote for a Director, designated the Member-at-Large, HCI By-Laws art. IV, para. 5(c)-(e), see exh. 1 to NRA 1986 Complaint; and that a meeting of the members is to take place each June, HCI By-Laws art. IX, see exh. 1 to NRA 1986 Complaint.

A. HCI Members Had And Exercised Their Right To Participate In HCI's Annual Meeting

The NRA concedes that HCI held an annual meeting of its members on June 22, 1985, see exh. 3 to NRA 1986 Complaint, but complains that it was insufficient. The meeting was attended by HCI members

¹NRA's excuses for not yet having obtained "judicial review" of HCI's By-Laws, amended in compliance with the Conciliation Agreement, are incorrect both factually--HCI submitted its amended By-Laws to the Commission within the 30-day period provided by the Conciliation Agreement--and legally. See 2 U.S.C. 437g(a)(8)(A) (1982).

from across the country. It included reports and discussions of HCI's plans and workshops on the activities of the members and the organization. Members were encouraged to participate, to suggest ways to improve HCI's effectiveness and to share their views with their officers, employees and Directors regarding the fight for tougher handgun laws and the future of HCI. Participants discussed, debated and planned the business of their corporate organization-- effective advocacy of sensible handgun control policy.

The District of Columbia Nonprofit Corporation Act, D.C. Code Ann. 29-501 et seq. (1981), does not require any particular agenda for annual meetings. See id. 29-514. Unlike corporations organized for profit, HCI was established on a nonprofit, non-partisan basis to promote social welfare by working for reasonable and practical measures to control handguns and the violence and misery associated with them. Nonprofit corporations operate under a distinct set of rules from business corporations in recognition of their different purposes and the contrasting objectives and contributions of their respective memberships. Indeed, the law governing nonprofit corporations in the District of Columbia does not require that members of nonprofit corporations be entitled to vote as a right of membership. Under local law, the presumption is quite the opposite: "Members shall not be entitled to vote except as the right to vote shall be conferred by the articles of incorporation." Id. 29-516(a) (emphasis added). The District of Columbia would allow directors to be possessed of "sole voting power" and have "all of the authority" of the organization. Id. 29-516(d).

HCI did not need to employ Robert's Rules of Order or the Cushing Manual of Parliamentary Procedure to conduct an appropriate annual meeting. Nor need it allow NRA to set its agenda. As the accompanying Affidavits establish, the meeting fulfilled HCI's commitment under the Conciliation Agreement to provide a right and opportunity for members to participate in an annual meeting. Not only were members "entitled to participate" in the annual meeting, as the Chairman of the HCI Governing Board observed in his March, 1985, message urging members to do so, exh. 2 to NRA 1986 Complaint at 8, their active involvement was encouraged before, during and after the all-day meeting. This candid and open 14-hour series of formal reports and informal discussions involved participating members in fundamental issues affecting their organization. It fully met the requirement of the Conciliation Agreement and far exceeded the requirements of the law of the District of Columbia.

**B. HCI Members Have Elected A Member-at-Large
To The Governing Board**

Contrary to NRA's assertion, the HCI By-Laws establish an appropriate procedure for members to elect directors. The law of the District of Columbia expressly contemplates that election of directors by members "may be conducted by mail." D.C. Code 29-516(b). Local law provides that directors of nonprofit corporations are to be elected or appointed in accordance with the organization's articles and by-laws. Id. 29-516(b). Thus, elections of directors of nonprofit corporations are not required to be held at annual meetings.

Further, the procedure established in subparagraphs (b)-(e) of paragraph 5 of article IV of HCI's amended By-Laws was reviewed and approved by the Commission last year.² The election by the members of a Director to HCI's Governing Board proceeded in accordance with procedures necessitated to ensure that pro-gun activists would not sabotage the election, see exh. 2 to NRA 1986 Complaint at 8, and resulted in the election of the Honorable John Corderman, Judge of the Maryland Circuit Court, see exh. 3 to NRA 1986 Complaint at 3.

C. HCI Is A Corporation Without Capital Stock That Solicits Its Members For Voluntary Contributions

Finally, NRA renews its perennial claim that HCI solicited persons not members because HCI in NRA's view cannot and should not have members. The only support NRA offers for this charge is a copy of HCI's September 21, 1985, letter to Clyde M. Remmah of Tallahassee, Florida. Mr. Remmah has been contributing to HCI since 1980 and contributed \$15 in February, 1985. By his contributions Mr. Remmah has fulfilled this Commission-approved requirement for membership in HCI. If Mr. Remmah wishes not to respond to the September, 1985, request for additional financial support to HCI or HCI-PAC, that is his choice. Indeed, if he wishes to withdraw from membership, he is free to notify HCI and his name will be removed from HCI's membership rolls. But his solicitation is no basis for the Commission to form a reason to believe that HCI has not complied with its Conciliation Agreement and the requirements of the Act.

II. HCI DID NOT MAKE CORPORATE CONTRIBUTIONS TO FEDERAL CANDIDATES

In the last section of its latest complaint NRA seeks to misconstrue reports filed by the Handgun Control, Inc. Political Action Committee ("HCI-PAC") in 1984. The original error by HCI-PAC's former accountant in processing disbursements from HCI-PAC to compensate HCI for HCI-PAC's in-kind contribution of mailing lists to certain candidates was corrected upon its discovery in January, 1985. These payments are properly reported on HCI-PAC's mid-year 1985 filing with the Commission.

NRA is all too eager to pounce on this long since corrected error and to conjure up pernicious arrangements and maneuverings where none existed. This matter was promptly corrected by HCI-PAC almost one year ago and the matter is closed.

That the NRA, its lobbying arm and separate segregated fund are currently being charged with an extensive pattern and practice of

²With respect to these sets of NRA contentions, the General Counsel concluded its review of the By-Law provisions for an annual meeting and the election to the Board of a Member-at-Large by declaring: "[I]t appears that HCI has satisfactorily established rights of participation in the organization's affairs for those deemed members of the corporation." MUR 1891, General Counsel's Report 4-5.

violating section 441b(a) of title 2, United States Code, is not without significance. Federal Election Commission v. National Rifle Association of America, Civil Action No. 85-1018 (D.D.C. Mar. 29, 1985). Unlike the NRA case, HCI did not advance funds in violation of the statutory prohibition against corporate contributions. HCI-PAC made and reported its own contributions. It did not knowingly conceal or falsely report anything. The follow-through on the HCI-PAC disbursement to HCI for the value of HCI-PAC contributions was honestly made and reported. NRA seeks to project onto HCI-PAC's innocent conduct the violative pattern with which the FEC charges NRA, but the suit does not fit.

III. NRA HAS VIOLATED HCI'S RIGHT TO CONFIDENTIALITY

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3
The NRA's 1986 complaint is the latest in a series it has filed to harass HCI and to distract it from its mission to help keep handguns out of the wrong hands. That NRA's allegations are unfounded has already been shown. Such periodic renewal of NRA contentions "on information and belief" that HCI, its rival in the political debate on handgun legislation, is not complying with the Act has this year moved beyond an unsavory tactic to an abuse of process. Barely had HCI received notification of the complaint from the Commission before NRA had begun publicizing its latest volley. In derogation of HCI's rights to confidentiality regarding such charges, NRA published a front-page article about its complaint in MONITOR. Its article is all the more egregious for stating first that HCI acted illegally and only later noting that the conclusion is based on charges NRA itself had recently filed and which had not been determined by the Commission to evidence any violation.

HCI has not consented to the public disclosure of the complaint or notification. HCI had not been accorded even a 15-day opportunity to demonstrate that no action should be taken on the basis of NRA's complaint before NRA published its allegations as if statements of fact. NRA's publication violates both the Act and the Commission's regulations. 2 U.S.C. 437g(a)(12)(1982); 11 C.F.R. 111.21 (1985). See H.R. Rep. No. 422, 96th Cong., 1st Sess. 22-23, reprinted in U.S. Code Cong. & Ad. News 2860, 2882-83. NRA should be sanctioned to the fullest extent the law allows for its knowing and willful violation of HCI's rights and the Commission's protective procedures.

CONCLUSION

WHEREFORE, for all the reasons set forth above and the grounds submitted in connection herewith, HCI requests that (1) NRA's December 17, 1985, complaint result in no action being taken against HCI, there being no reason to believe HCI has committed a violation of the Conciliation Agreement or the Act; and (2) the Commission fine NRA \$5,000 for the willful violation of HCI's rights to confidentiality.

Respectfully submitted,



Mary Louise Westmoreland
General Counsel

93040394089

Affidavit

City of Washington }
District of Columbia } ss:

Charles J. Orasin being duly sworn deposes and says:

1. I am currently the Executive Vice President of Handgun Control, Inc. ("HCI"), a corporation without capital stock organized and existing under the District of Columbia Nonprofit Corporation Act. HCI's address is 1400 K Street, N.W., Suite 500, Washington, D.C. 20005. I am also a Director of HCI and as such a member of its Governing Board.

2. On June 22, 1985, HCI held its annual meeting of members in Washington, D.C.

3. The meeting was attended by members from across the country, including members from as far away as Seattle, Washington; Baton Rouge, Louisiana; Cleveland, Ohio; Chicago, Illinois; Westwood, Massachusetts; Syracuse, New York; and Old Greenwich, Connecticut.

4. The meeting began at approximately 8:00 a.m. on June 22, 1985, and did not conclude until approximately 10:00 p.m. that night.

5. The written materials prepared for and used at the meeting encouraged members to participate actively in the meeting. Included among these materials were a Conference Evaluation form, a copy of which is attached hereto as Exhibit A, and a participation form styled "Your Participation as a Handgun Control Member," a copy of which is attached hereto as Exhibit B.

6. In my remarks at the meeting in my capacity of Executive Vice President, I urged members to use the participation form and be actively involved in the meeting. I noted that members' questions, comments and suggestions would form the basis for a roundtable discussion with the Chairman of HCI's Governing Board later in the meeting.

7. I introduced HCI's staff and encouraged members to discuss their concerns with members of the Governing Board and HCI's staff.

8. The meeting included workshop discussions of how HCI and its members can work effectively with the media and legislative bodies and of how HCI and its members can facilitate their activities through boosting membership, fund-raising and grassroots organizing. All discussions were open to the membership and they were encouraged to participate.

9. In the late afternoon the Chairman of HCI's Governing Board did chair a lively discussion of members' comments and suggestions taken from their participation forms.

10. Discussions among members, directors and HCI staff continued through both lunch and dinner.

11. Following the meeting, HCI reviewed both sets of member comments from the evaluation and participation forms.

12. The Governing Board was presented with a report on the responses to the participation forms.

13. In accordance with HCI's By-Laws, Judge John Corderman has been elected to HCI's Governing Board by a vote of the membership.

14. I have reviewed HCI's membership rolls. HCI records indicated that a Clyde M. Remmah of Tallahassee, Florida, contributed \$15 to HCI in February, 1985.

15. HCI members who wish to withdraw from membership may do so by advising HCI that they no longer wish to be considered an HCI member and HCI removes their names from our membership rolls.

16. To the best of my knowledge, information and belief, Clyde M. Remmah has been an HCI member since 1980 and has not requested to withdraw from HCI membership.

17. In 1984, I was Treasurer of Handgun Control, Inc. Political Action Committee ("HCI-PAC").

18. In 1984, HCI-PAC made in-kind contributions of mailing lists to federal candidates and reported such contributions on its Commission reports.

19. In January, 1985 while still Treasurer of HCI-PAC, I became aware that the disbursements to HCI for the fair market value of HCI-PAC's in-kind contributions had not been paid.

20. I discussed this matter with Anthony Raymond of the Commission's Reports Analysis Division.

21. Consistent with my discussion with Commission staff, HCI-PAC promptly proceeded to make its disbursements to HCI and to report its disbursements on its next report to the Commission. HCI-PAC never attempted to conceal these in-kind contributions.

22. To the best of my knowledge, information and belief HCI-PAC's reporting of its in-kind contributions and of its disbursements in connection therewith have been both truthful and timely.

23. Attached as Exhibit C hereto is a copy of the January 15, 1986, issue of MONITOR. In its "At a Glance" section on the cover page and in an article on page 1, the National Rifle Association, the NRA Institute for Legislative Action and unknown persons affiliated with them report on the pending NRA complaint against HCI.

24. HCI has not consented to the public disclosure of the pending NRA complaint against HCI or of its pendency. HCI has not notified the Commission in writing that it wished this matter to be made public.

25. On behalf of HCI and in my capacity as HCI Executive Vice President I bring to the attention of the Commission my belief that NRA, NRA's Institute for Legislative Action and other persons unknown have violated the provisions of the Federal Election Campaign Act of 1971 and the Commission's regulations providing for confidentiality, in particular, 2 U.S.C. 437g(a)(12)(1982) and 11 C.F.R. 111.21(1985).

Dated: January 23, 1986

Charles J. Orasin
Charles J. Orasin

Subscribed and sworn before me this 23rd day of January, 1986.

My Commission Expires March 14, 1989

Karen G. Scott

CONFERENCE EVALUATION

Your participation in the first Handgun Control Conference is greatly appreciated. To help us make subsequent Conferences even better, please take a few moments to answer the following questions:

Using a scale of 1 to 5 (1=excellent, 5=poor), please place a rating in each box:

	Content	Effectiveness of Presentation	Handouts and Materials
Media			
Fund Raising			
Leg./Lobbying			

Please add comments and/or questions on specific workshops:

Media: _____

Fund Raising: _____

Leg./Lobbying: _____

Please check where appropriate:

- ☐ I would have preferred a shorter Conference (one afternoon)
☐ I would have preferred a longer Conference (2-days)
☐ This Conference should be repeated in different locations across the country twice each year.
☐ Handgun Control should continue to have one Conference every year, but in a different location each year.
☐ I would like to attend the Conference next year. Please send me information when it is available.

Please let us know if you would like to participate in the following Handgun Control activities by filling out this portion of the evaluation.

Name _____

Address _____

Daytime telephone number (____) _____

Please check areas of interest:

☐ Media

☐ Fund Raising

☐ Grassroots Lobbying

Please drop this in the questionnaire box at the back of the room.

EXHIBIT A

2(10)

YOUR PARTICIPATION AS A HANDGUN CONTROL MEMBER

Handgun Control would like to take this opportunity to hear your opinions on the handgun control issue and what you think of Handgun Control, Inc. Please take a few moments to answer the following questions. Your answers will be presented to the Handgun Control Board of Directors for their consideration at their next meeting.

1. Are there additional projects you would like to see Handgun Control undertake? _____

2. Are you satisfied with the information you receive from Handgun Control (the Washington Report, Insider, etc.)? _____

3. Do you have suggestions for our entire program? _____

4. Do you have a specific question you would like to see Pete address in the Roundtable session this afternoon? _____

5. Please rank the following in the order you believe to be the most important to Handgun Control, Inc:

____ A national waiting period for handgun purchases

____ Banning cop-killer bullets

____ Mandatory sentences of five years when a handgun is used in a crime

____ Encouraging states to pass laws requiring a license to carry a handgun

____ Closing the parts loophole in the 1968 Gun Control Act.

____ Stopping the National Rifle Association

____ Other _____

Please use the back of this page for additional comments or suggestions.

Drop this questionnaire in the box on the registration table by 12:30pm --

EXHIBIT B

2(11)

9604057994

Affidavit

City of Washington)
District of Columbia) ss:

Luke W. Cole being duly sworn, deposes and says:

1. I am a member of Handgun Control, Inc. ("HCI").
2. I first joined HCI in February, 1983, and since then have continued to renew my membership, most recently in June, 1985.
3. On June 22, 1985, I participated in HCI's annual meeting "The Handgun Control Conference" in Washington, D.C.
4. I attended this meeting because I wanted (a) to learn more about how I could play a role in encouraging the passage of legislation to keep handguns out of the wrong hands; (b) to meet with the directors, officers and staff of HCI to discuss my concerns and suggestions for HCI's program; and (c) to meet and exchange ideas with other HCI members.
5. During the 14 hour meeting, other HCI members and I participated in workshops on how HCI and its members work with the media and the Congress, how HCI raises funds and how HCI membership is involved in grassroots lobbying efforts.
6. At each of these workshops, HCI members asked questions, and made suggestions. This valuable interactive process included discussions among the membership of HCI's policies (For example, I recall a lively debate over what HCI's position should be concerning stun guns).
7. All participants at the conference were encouraged to fill out forms soliciting their opinion of what HCI's program and priorities should include and their evaluation of the annual meeting and how it might be improved. In addition, the forms asked whether the member had any specific question he would like to have HCI's Chairman Pete Shields address.

8. The afternoon portion of the program concluded with a "Roundtable" discussion wherein Chairman of the Governing Board of HCI, Pete Shields responded to these questions from members.

9. My participation in the June 22 meeting made me a better informed advocate of HCI's objective of keeping handguns out of the wrong hands. Since then I have continued to communicate with HCI members I met at the Conference about keeping handguns out of the wrong hands.

10. It is my belief that the other participants at the meeting share my conclusion that the meeting provided a useful forum for the leadership of HCI to obtain guidance from its membership and for the membership to learn from HCI staff how to advance the business of HCI.

Dated: Jan. 23, 1986

Luke W. Cole
Luke W. Cole

Subscribed and sworn to before me this 23rd day of January, 1986.

District of Columbia:

On this 23RD day of JAN. 1986 before me
appeared LUKE W. COLE

who acknowledged the execution of the foregoing
instrument as HIS free act and deed as set
forth therein

Thomas G. Pierce

Thomas G. Pierce, Notary Public
My Commission expires 11-15-88

MONITOR

NATIONAL RIFLE ASSOCIATION

Institute for Legislative Action

Volume 1, Number 1, January 1986

At A Glance

The Wilmington, Del., City Council is expected to consider an ordinance to ban the sale and possession of handguns. Already, pressure has been put on council members to reject the ban proposal. [See story, page 1.]

Handgun Control Inc. has engaged in unlawful solicitations of political contributions and made corporate contributions to its political action committee in violation of federal law, according to a National Rifle Association complaint filed with the Federal Election Commission. [See story, page 1.]

New York Gov. Mario Cuomo, once again, has slighted NRA members and hunters. The possible 1988 presidential candidate recently tried to downplay his remark made in March 1985 that NRA members "drink beer, don't vote and lie to their wives about where they were all weekend." Cuomo said the remark was made in jest at a dinner last summer. [See story, page 2.]

Most state legislatures reconvene this month, and a flurry of pro- and anti-gun bills have been pre-filed and await in-

troduction in their respective statehouses. [See state roundup, page 3.]

Richard Munday, editor of the British magazine Handgunner, talks about firearms and firearms laws in Great Britain and the United States in a Monitor interview. [See interview, pages 4 and 5.]

The 21 field representatives of the National Rifle Association provide an important link between the association's 3 million members and its elected officials who carry out NRA policies. The NRA Field Services Division has updated and revised its list of field representatives. [See list, page 6.]

The Supreme Courts of Florida and Virginia have made or soon will be making decisions in cases of great importance to gun owners in portions of those states. [See story, page 7.]

More than 250,000 people, the majority of them women, have completed the NRA's Voluntary Practical Firearms Program. Started in 1983, the VPPF trains people in the safe and effective use of firearms for self-protection. [See story, page 8.]

NRA INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, NORTHWEST
WASHINGTON, D.C. 20036

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EXHIBIT C

MONITOR

National Rifle Association of America

Institute for Legislative Action

Volume 13, Number 1



Kentucky Governor Martha Layne Collins, one of the few women to hold such office, recently was presented with a 24K gold .38-caliber Colt Detective Special for her pro-gun political stand by the Kentuckiana Arms Collectors Association. Collins, who favors tougher jail sentences, more prisons and the death penalty as effective crime deterrents rather than restrictive gun laws, was elected to her current post in 1983. Making the presentation to Collins were (left to right) Winfred Sumner, vice president, KACA; Tony Wilson, president; Governor Collins; Jeffrey W. Flannery, gun engraver; and Floyd Poore, Kentucky secretary of transportation.

City to Consider Handgun Ban

WILMINGTON, Del.—An ordinance to ban the sale and possession of handguns in this city of 70,000 was introduced Dec. 19 at a City Council meeting.

Councilwoman Loretta Walsh sponsored the anti-gun measure that would prohibit the sale of handguns and require current handgun owners to deliver their guns to local police within six months from the date of enactment of the ordinance.

The ordinance calls for violators to be fined from \$300 to \$2,500 or sentenced up to six months in jail.

Although Delaware recently passed a firearms pre-emption law that prohibits local municipalities from adopting gun laws more restrictive than the state's, city attorneys who drafted the Wilmington law proposal claim that they have found a loophole in the law. The state law says that no city may amend its charter to enact firearms laws more restrictive than the state's; lawyers for the city say their proposal is an amendment to an ordinance, not the city charter.

The proposed law, which was sent to the Public Safety Committee and is expected to be debated at a public hearing this month, was modeled after ordinances in Morton Grove, Evanston and

Oak Park, Ill. Indications are that the handgun bans in those Chicago suburbs have done little or nothing to reduce crime, and many of the gun-owning residents have ignored the provisions requiring that they surrender their handguns to police.

Walsh claims that many of her constituents voiced support for gun control, but fellow Delaware resident Nelson T. "Pete" Shields, president of Handgun Control Inc., told the Wilmington News Journal, "My group cannot support this law."

The Delaware State Sportsman's Association is gathering support to fight the City Council proposal and DSSA President John Thompson is confident the ordinance will be defeated.

"I think we can win in City Council," said Thompson. "Then we're going to close this supposed loophole so that we don't have to fight this thing two years from now."

Thompson said that DSSA plans to amend the state pre-emption law to preclude local municipalities from amending their charters and ordinances with regard to gun control. Amending legislation is expected to be introduced when the Legislature reconvenes Jan. 14.

Complaint Filed Against HCI

WASHINGTON—Handgun Control Inc. unlawfully solicited contributions and made illegal corporate contributions to candidates running for federal office in 1984, the National Rifle Association has charged in a formal complaint recently filed with the Federal Election Commission.

The Dec. 19 complaint, filed by NRA Assistant General Counsels Janet Scherer and Richard Gardiner, stems from a July 1985 disclosure report filed with the FEC by HCI's political action committee, HCI-PAC. The report revealed that HCI-PAC "reimbursed" HCI for more than \$2,100 last January for in-kind contributions made by HCI on behalf of the PAC to 13 federal candidates in 1984.

Under federal law, it is illegal for a corporation to make campaign contributions or lend money to its PAC.

NRA's complaint also alleges that

HCI "knowingly entered false information on several of its 1984 reports to conceal HCI's corporate contribution."

The complaint states that, in at least three earlier disclosure reports to the FEC, HCI maintained that the in-kind contributions were made by HCI-PAC and not HCI.

NRA's complaint also charges HCI with violating federal law by soliciting contributions from individuals who are not members of the organization.

An earlier FEC directive ordered HCI to revamp its membership structure by assigning specific membership rights to individuals in order to make solicitations for political contributions. NRA's complaint charges that while HCI complied with the directive, it is not yet in compliance with federal law because it has not granted sufficient membership rights to supporters and has continued to solicit political contributions.

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Legal News	p. 7
Voluntary Practical Firearms Program	p. 8

Vol 13 No 1 January, 15 1986

State Roundup

Pennsylvania

HARRISBURG—Patrol carry permits may be extended from the current one-year validation period to an indefinite period if bills that were recently introduced in the state Legislature are approved.

S.B. 1265 was introduced in December by Sen. D. Michael Fisher to "correct the deficiencies in the current law, and stop the abuses of power that have been uncovered in many counties and towns in Pennsylvania," according to a press release from the Allegheny County Sportsmen's League.

A House companion bill, H.B. 819, was introduced in April by Rep. Robert W. Godshall.

No action has been taken on the bills to date, but the Senate is expected to consider its bill soon, according to Pennsylvania sources. The bills have been assigned to their respective Judiciary committees.

If the bills are passed and signed into law they would:

- Specify in the law the contents of carry permit applications.
- Mandate that a carry license be valid anywhere in the state.
- Eliminate the necessity of stating a "reason" to obtain a license.
- Require the issuing authority to state a "reason" in writing why an application should be denied.
- Change the validation period from the present one year to indefinite.
- Require that only the sheriff of a county be responsible for issuing a license.

• Set the fee for a license at \$20.

• Provide procedures for administrative appeals of suspensions, revocations and denials of a license to be heard within 30 days.

• Require that the license and application forms be provided by the state police, and that they be uniform throughout the state.

• Specify who may not be eligible for a license.

• Provide the sheriff with a grant of immunity from liability for the actions of a licensee.

Legislation (H.B. 983) also is pending in the Legislature to extend state carry permits from their current one-year life to five years. (See Monitor, Dec. 15.)

Michigan

LANSING—Michiganders now will be allowed to use handguns to hunt deer in the lower third of the state.

Gov. James Blanchard signed into law Dec. 8 a bill that permits the use of "repeating" handguns for deer and other big game hunting in the southern portions of the Wolverine state. (Michigan does not allow hunting with rifles.)

The bill, H.B. 4096 sponsored by NRA member and state Rep. Jerry C. Baczak, was passed by the House May 24 by a vote of 92-0. The Senate approved the measure, with an amendment, 24-10, and the House concurred Oct. 21 by a vote of 99-0.

Michigan law previously allowed handgun hunting in the other two-thirds of the state.

State Senator Proposes Bill to Stop Sale of 'Saturday Night Specials'

ANNAPOLIS, Md.—A bill to define "Saturday Night Specials" and make their sale illegal was introduced in the state Senate Jan. 8 by Sen. Troy Braley of Baltimore.

The bill, S. 96, would define a "Saturday Night Special" as a handgun that has a frame, barrel, cylinder, slide or breechlock that is a die casting of a metal alloy or any other material that has a melting point of 1,000 degrees or less.

The legislation also would amend existing laws covering penalties for violations of the state's gun laws.

Anyone who sells or offers for sale a "Saturday Night Special" would be guilty of a misdemeanor and fined from \$250 to \$2,500 or jailed not less than 30 days nor more than three years, or both, if the violation was a first offense. Once convicted persons who violate the "Saturday Night Special" law would be subject to a mandatory one-year sentence—nor more than 10 years—and persons convicted of more than one gun law violation would be subject to a three-year mandatory minimum sentence, not to exceed 10 years. (Maryland gun laws do not differentiate between use of a gun during the

commission of a crime and the mere carrying of a gun without a license.)

The bill was introduced to bolster a recent Maryland Court of Appeals ruling that holds the manufacturers of "small, inexpensive handguns, commonly known as 'Saturday Night Specials,'" strictly liable for injuries caused by the criminal misuse of their products.

The Maryland high court characterized "Saturday Night Specials" as having "short barrels, light weight, easy concealability, low costs, use of cheap quality materials, poor manufacture, inaccuracy and unreliability." (See Monitor story, page 7.)

Banning the sale of so-called "Saturday Night Specials" also would be a major step toward Baltimore's goal of ridding the city of all handguns. In City Council meetings in December, several council members supported a ban on the sale and possession of handguns, and a resolution was drafted to request the city's delegation to the General Assembly to support legislation to amend state law to allow municipalities to control guns.

[Maryland has a firearm pre-emption law prohibiting municipalities from adopting gun laws more strict than the state's.]

Richmond Councilmen Expected to Propose Anti-Gun Measure

RICHMOND, Va.—City Councilmen Walter Kenney and Henry Marsh are expected to propose an ordinance to control guns in this capital city of 220,000.

Richmond had a rash of handgun-related deaths in 1983, topping the number of 1984 killings. But most of the deaths were homicides related to drug deals, according to police reports.

Kenney and Marsh also proposed handgun control measures last year. The councilmen introduced in January 1983 an ordinance that would have required city residents to register their handguns by May 31, 1983. The ordinance also would have banned the sale of handguns in the city, and persons failing to register their guns by the May 31 deadline could have been charged with a misdemeanor. A second proposal called for handgun registration only.

Both measures were defeated overwhelmingly by the City Council, which elected instead to adopt a resolution supporting stiffer mandatory penalties for those convicted of using a gun during the commission of a felony.

Two bills to enhance firearm manda-

tory sentences were introduced in the Virginia General Assembly last year, but neither measure was reported out of committee.

The Kenney-Marsh proposal—if, as expected, attempts to control the sale or possession of guns or call for their registration—would be in conflict with the state's pre-emption law.

The Dillon rule—which holds in general that state law supersedes local ordinances, and which has been interpreted by the former state's attorney general as applying to firearms legislation—protects Virginia gun owners from restrictive firearms laws.

Despite the Dillon rule, city attorneys have stated in the past that the city charter contains language that allows actions to be taken to protect citizens.

Once again, the Virginia State Rifle and Revolver Association and the National Rifle Association will be active in stopping the anti-gun proposals in Richmond.

For more information on the anti-gun ordinance, contact Chuck Cunningham, NRA state liaison for Virginia (202) 628-6377.



Colorado state Representative Carol Taylor-Little recently visited NRA headquarters in Washington, D.C., to discuss a bill she is sponsoring that will prevent handgun manufacturers from being held liable for the criminal misuse of their products in Colorado. From left to right: NRA-ILA Executive Director J. Warren Cassidy, Rep. Little and Louis J. Brune, NRA state liaison for Colorado.

An Exclusive Monitor Interview

British Scholar Richard Munday

By Dennis Tracy Ross
Monitor Staff Writer



Richard Munday, the assistant editor of *Handgunner* magazine in Britain, was recently in Washington completing a fellowship with the Division of Armed Forces History in the National Museum of American History, Smithsonian Institution. A graduate of Oxford University, Munday's research focuses on the development of the American rifle, machine gun, and other small arms, and the progress of military technology. He will be working on a book titled "The General for the Institute for Historical Studies," which he will examine and compare various European rifle, machine gun, and other small arms.

MONITOR: What exactly are Britain's firearm laws and are they more restrictive than those enforced in the United States?

MUNDAY: That depends. The big shock upon arriving in the U.S. was finding that you have more than 20,000 separate gun laws. The advantage of the English system is that we have just one law applying to the entire country. It is a bad law, but at least it's constant. We don't have this problem of laws changing from town to town, city to city and state to state. Now, whether the English system is better or worse depends on what part of America you're from. If you come from Wyoming, you will be appalled by Britain's gun laws. On the other hand, if you come from the District of Columbia or New York, you're going to think it's the other way around.

MONITOR: How are firearms regulated in Britain?

MUNDAY: Basically there are two types of firearm registration in Britain—firearm certificates for pistols and rifles, and shotgun certificates for shotguns. Under the terms of Britain's Firearms Act, for each individual rifle or pistol that you want, you must justify why you want it. In order to justify it, you must show what is known as "good reason." Unfortunately, "good reason" is open to interpretation and that interpretation has differed through the course of time. For example, in 1945, the accepted reason for wanting a pistol was "personal protection." Today, if you apply to your local police force and said you wanted a pistol for personal protection, the application would be rejected out-of-hand. The text of the law hasn't changed, just the interpretation of it.

MONITOR: What is considered "good reason" today?

MUNDAY: For pistols, competition shooting is generally the only accepted reason. For small bore or hunting rifles, then obviously hunting is justifiable. Past control and rodent control are acceptable reasons for owning a rifle. Basically, it has been a general turn-around in attitudes with regard to the freedom of the individual and the state and the notion of how far you can rely on the police force.

MONITOR: When would you say that this "general turn-around" became most noticeable?

MUNDAY: Well, it has been a gradual change since the first handgun laws were introduced in the 1920's. But I would say 1968, which was a bad year for shooters in general, marked a turning point. In that year we had a new Firearms Act passed that basically consolidated all of the previous ones. Since then, there has been a different approach on the part of police departments and the bureaucracy in enforcing and interpreting firearm laws. They have taken to enforcing several very strict policies including pricing applicants out of the market. For example, the fees for firearm certificates have gone up dramatically since 1968. Back then, if I remember correctly, a firearm certificate was about a half-a-dollar. Now it costs about \$35. People who are keen on shooting don't mind paying that every three years, but for the casual shooter and the shooter who keeps a rifle to shoot rabbits on his farm, the price is a little high. These are the people who tend to give up their licenses rather than spend the money to renew them.

Another policy the police in many forces have adopted is to require applicants to fill out other forms in addition to those required by law. Frequent-

ly, it is just a duplication of information, but basically it means that people have got to go through a lot of paperwork, time and trouble to get access to firearms. And back to the matter of "good reason," if a person says he wants a pistol or rifle for competitive shooting, the first thing the police will ask is what club you belong to. Then they will demand a letter from the secretary of the club confirming that the applicant is a keen shooter. Now there is no basis in law for demanding an applicant to be a member of a club, but in practice, a person has to be in order to get a license for a pistol or anything other than a hunting rifle.

So you see the law hasn't changed, but the practice of enforcement has driven more than 30,000 people out of shooting in the past 10 years. Given the fact there are only 300,000 certificate holders in the entire country, 30,000 is quite significant.

MONITOR: What about shotguns?

MUNDAY: The shotgun legislation was introduced, once again, in everyone's bad year, 1968. Until then, there was no registration on shotguns whatsoever. Now an applicant must have two character references and fill out the basic forms on occupation and personal information. Provided the applicant doesn't have a criminal record or isn't insane, the issue is automatic. There are proposals now pending, however, to toughen up the system and require applicants for shotguns to fulfill the same requirements demanded for the pistol and rifle certificate system. Under that system, the burden is on you to justify each and every weapon. Shotgun certificates are issued on personal character rather than the weapon.

There is an interesting twist to the way the shotgun legislation got passed. In 1967, there was a media issue raised on how terrible it was that shotguns could be purchased from shops and then sawed off and used in crime. At the time, the issue was reviewed by Roy Jenkins, then the home secretary. He looked at the situation in a reasonably intelligent manner and came to the conclusion that there was no statistical case for introducing shotgun legislation. But in the spring of 1968, legislation on shotguns was introduced because between 1967 and 1968 three policemen were killed with handguns even though handguns had been strictly controlled since 1920. So the government, because of the media issue, had to be seen to do something, and regulated shotguns, ignoring the fact that the issue had been declared irrelevant 12 months before.

MONITOR: Have these policies helped to deter crime or is firearm-

related crime increasing in Britain?

MUNDAY: Firearm-related crime has increased in direct proportion to violent crime. Violent crime has increased so therefore, some subsets of that is the element of gun crime. I think there hasn't been a change in the overall balance since any of these laws were enacted. The proportion was there before the legislation was introduced and it's here afterwards, so it just goes to show that firearm laws have been an answer to a non-existent question. One of the things about introducing any legislation on firearms is that it is the easy answer. It's irrelevant, but the politicians whoever is doing it can be seen by the people and the media to be doing something. And most people, who don't appreciate what the real situation is, are satisfied.

MONITOR: Experts have speculated that Europe may one day adopt a standard firearms code that would even further restrict gun ownership rights. Can you see this happening?

MUNDAY: Absolutely. In Britain and probably eventually the U.S., one of the principal threats we are going to face is going to come from Europe and resolutions made by the Council of Europe. The Council is anxious to put forth resolutions on anything it can agree on to signify unity. It cannot agree on the more contentious issues like agriculture, defense and other powerful interests, but it can agree on standardizing firearm legislation. As far as the European governments are concerned, the shooting community is an expendable one. It is not a big electorate. So uniform firearm laws could be used by the Council in a show of unity without it having to agree on the more problematic issues.

What this would mean would be that everybody would get the worst of everybody's laws. Of course every society has its own variety of craziness and it would be a combination of every country's worst in respect to gun control. For example, the Italian law, which prohibits private ownership of all military-caliber firearms, could be adopted all over Europe.

I believe that if uniform firearm laws are adopted in Europe, it will impress the U.S. to some degree because the pressure from the world will influence lawmakers, and say, "Look this is the way it should be done. The Europeans have adopted a strict uniform gun code and so should the U.S." The Council, which has been working on these types of proposals for many months, also would claim that a uniform gun law across Europe would be an effective counter-terrorism measure. Again, the U.S. could be

Examines Gun Control in a New Light

vulnerable to this sort of discussion: the argument that we must legislate against terrorism by limiting the access of firearms. I firmly believe that Britain's problems today are going to be America's problems 10 years hence.

MONITOR: England seems very susceptible to gun control laws. Is it primarily the government who supports them or is it the population in general?

MUNDAY: I would say that the tenor of the entire country in general is anti-gun because of the heavy influence of the media and the perspective on firearms from a nation of people. You must keep in mind that the shooting community numbers about 3 million of a nation of 56 million. For the remaining 53 million, guns are an alien issue. Their opinions are going to be formed by what they see on television, and by really half-witted newspaper reports about guns in the U.S. They are not going to address the real issue or have any familiarity with it. What we must do, if the shooting sports are to survive, is to give these people a new perspective.

MONITOR: What type of "new perspective"?

MUNDAY: Well, we must stress the importance of the link between our civilian resources and the military. As long as firearms are looked at in terms of "Starky and Hutch" and in terms of cops and robbers and the crime problem, then we have a real problem. What we must do is introduce new perspectives on firearms, civilians and the military. If you simply plead "shooters' rights" in Britain, nobody's heart is going to bleed for you. If you can prove your positive benefits to society then your rights will survive. We've learned that rights without duties don't tend to last very long.

One way for the shooting community to do this is to align itself more visibly with the military. If we have the military on our side in this context, it promotes shooting and gun ownership as a social utility. That is the way the NRA in both of our countries grew up and in my mind it is the only way the shooting community can survive.

It's quite practical when one thinks about it. Consider that most countries have fixed defense budgets that only have a much flex. And while the costs of defense materials are escalating very rapidly, the biggest and costliest fixed element in most defense budgets is manpower. Now, between the costs of materials and manpower, it is quite possible for the military to slip into technological obsolescence. Therefore, we must look at the possibility of exploiting civilian resources in a defense context or in

somehow reducing our manpower costs. This gives a whole new context to various concepts of what the citizen soldier might be. In addition, there is a recognized shortage of in-depth reserves in NATO. It is clear we have a manpower shortage. How are we going to afford more people as professional rates? The shooting community and the civilian soldier is our answer.

Another factor that supports this idea is the speed of the modern battlefield. It's the concept that if the soldiers aren't there already, then they are never going to get there in time. On the other hand, if you have an organized civilian military, you can actually move people and get them to an area on time to fight a battle. We're almost back to the tradition of the Anglo Saxons, which was: If you were waiting onshore when the raiders came, then you could possibly save them off. If you weren't there, you wouldn't get there.

So there are all sorts of military reasons why the exploitation of the civilian resources must be important to us. From the point of view of the shooting community, I think it is the key to its survival.

MONITOR: Do you foresee the public accepting the idea of the "citizen soldier"?

MUNDAY: Yes, eventually, if presented properly. You see, right now we have a bit of a public relations problem with it because of the transition of attitudes over the last two decades. For instance, if you look back at the middle of the last century, you have a transition from then to now, in terms of the word "militia" and the words "paramilitary force." The connotations of those two phrases, which mean very much the same thing, are entirely different. A militia man was considered, in the last century, much more respectable than the regular soldier because the regular soldier was a man who lived off the state, while the militia man got on with his job and served as need. Whereas, nowadays, it's the regular soldier who is respectable and the paramilitary who is somehow seen as being unsavory and a risk of subversion or whatever.

MONITOR: Would you say this "risk of subversion" concept has been a big part of the passage of gun control laws in Europe and the United States?

MUNDAY: I don't think there is any question that the underlying factor in virtually every country's decision to promote or limit the use of firearms is paranoia about the security of state. If you actually look at the founding of the American NRA, you'll find one of the fundamental factors in getting it off the ground was the riots in New York City in

1871. The U.S. needed a National Guard to handle that sort of thing. There are different types of parallels in many European countries as well. France still substantially suffers from the emergency firearms legislation introduced in 1939. Germany still has strong elements of the new code introduced by the Nazis because they were concerned about the private ownership of firearms as a potentially anti-Nazi threat. In England, firearm laws were passed primarily in response to the fears of a Bolshevik revolution and later in response to problems caused by the Irish Republican Army. This is why it is very important that we seize the issue of terrorism by the horns and discount firearms control as a way to effectively combat it. Otherwise it is quite possible that the shooting community and the right to bear arms could be sold out on the excuse that the only way to eliminate terrorism is to limit access of firearms by the common man.

MONITOR: Why do you think that the many governments and the non-

shooting populations of the world are willing to believe that restricting firearms will reduce terrorism and other crime?

MUNDAY: Again, it is the change-around in attitudes. It is clear that we live in a material society. Our fundamental problem is that we give priority to the material elements in society. For example, the gun commits the crime and is the material factor that conditions the actions of the individual. This notion of diminished responsibility, reduced to a theory, is inevitably going to find as one of its corollaries pressure for the control of firearms. That attitude says that it is not the independent thoughts of the individual that cause the crime, rather that his action was conditioned by the presence of the material, the gun in this case. It is up to us to change this mindset, and it simply cannot be done by spouting statistics so stating how true they are. We must pitch the firearms issue in a new perspective and pointing out the value of a competently armed citizenry is a good way to start.



Field Reps.: NRA Key to Communications

The NRA Field Representative Areas were renumbered on Jan. 1 to put them in a logical numerical sequence, according to Anthony Madda, field staff coordinator. The new listing appears below.

AREA 1
Maine, Vt., N.H., R.I., Mass., Conn.
Robert N. Pemberton Sr.
P.O. Box 66
S. Woodstock, Conn. 06267
(203) 928-6934

AREA 2
N.Y., N.J.
Richard R. Sorrentino
P.O. Box E
Westtown, N.Y. 10996
(914) 726-3999

AREA 3
Pa.
Alan S. King
315 S. Allen St., #226
State College, Pa. 16801
(814) 234-2222

AREA 4
Del., Md., Va., W. Va., District of Columbia
John Hopf
P.O. Box 219
Hollywood, Md. 20636-2018
(301) 373-2294

AREA 5
N.C., S.C.
Fred Edgercomb
P.O. Box 913
Clinton, N.C. 28328
(919) 592-7803

AREA 6
Fla., Ga.
Dave Lake
P.O. Box 341
Fort Richey, Fla. 33568
(813) 863-1834

AREA 7
Ala., Miss., La.
Ed Nixon
P.O. Box 80353
Baton Rouge, La. 70806
(504) 769-3264

AREA 8
Ky., Tenn., Ark.
Daniel A. Wiggins
P.O. Box 112
Beaver Dam, Ky. 42320
(502) 274-9330

AREA 9
Ind., Ohio, Mich.
Don "B." Smith
P.O. Box 9
Fremont, Ind. 46737
(219) 495-2836

AREA 10
Iowa, Wisc.
David Parsons
111 Greenbrier Drive
Burlington, Iowa 52601
(319) 753-0836

AREA 11
Ill., Mo.
Willis Corbett
1460 Zimmerman Place
St. Louis, Mo. 63132
(314) 991-2643

AREA 12
Texas, Puerto Rico
Mark Chambers III
207 Westover Dr. — PP
Granbury, Texas 76048
(817) 573-3669

AREA 13
Neb., Kan., Okla.
Lewis Elliott
Route 2, Box 467
Sand Springs, Okla. 74063
(918) 363-8304

AREA 14
Minn., N.D., S.D.
Marilyn W. Bergom
P.O. Box 32759
Fridley, Minn. 55432
(612) 571-5864

AREA 15
Idaho, Mont.
Grant Sanborn
P.O. Box 1293
Twin Falls, Idaho 83301
(208) 733-1880

AREA 16
Colo., Utah, Wyo.
George L. Nyfeler
Box 25217
Templeton Station
Colorado Springs, Colo. 80936
(303) 591-4933

AREA 17
Ariz., N.M.
Mary Peterson
P.O. Box 13008
Tucson, Ariz. 85732
(602) 795-5261

AREA 18
Calif., Nev., Hawaii
Robert B. Grago
P.O. Box 399
Carmichael, Calif. 91730
(714) 987-4687

AREA 19
Calif., Nev., Hawaii
Judith E. Peed
1100 J St., #790
Sacramento, Calif. 95814
(916) 446-2455

AREA 20
Wash., Ore.
Michael A. Brel
P.O. Box 859
Gig Harbor, Wash. 98335
(206) 859-3900

AREA 21
Alaska
Robert Andrews
9416 Long Run Drive
Juneau, Alaska 99801
(907) 789-7422

Anti-Hunting Actions by NPS Have Many Hunters Concerned

WASHINGTON—Recently, the National Park Service has initiated actions that have left it less than chummy with many hunters.

In October 1985, only weeks before the opening day of waterfowl season in Maryland, NPS filed a blind-site license application with the Maryland Department of Natural Resources to secure park shoreline on the federal Piscataway Park in southern Maryland.

The NPS was licensed for all 13 of the blind-sites around the area, known as Mockley Point, at the confluence of Piscataway Creek and the Potomac River. The marshy point has been used for nearly 15 years by local duck hunters, who use off-shore floating blinds. Shooting over—away from the park—the river, the hunters come to the area to enjoy the quiet and excellent duck hunting.

But all of that was threatened when the NPS filed its blind-site application. Hunters would not have been allowed to use the floating blinds in the area because they would have been too close

to the newly licensed—and unused—park blind-sites.

Hunters who use the area were hopping mad and they let people know it.

Hunter and local resident Jack Weatherbar contacted Washington Times outdoor writer Gene Mueller and gave him a tour of the area. Mueller reported that the hunters believed that a \$100 donation to the park management from a residential area adjoining the park resulted in the buying up of all of the blind-sites. Many of the residents have complained about the noise of the shooting and are concerned about safety.

Superintendent of National Capital Parks/East Burnice Kearney, manager of Piscataway Park, told Mueller that his office did receive such a donation, but denied that it affected the decision to secure the blind-sites.

Kearney said that there were three reasons for buying all the blind-sites. There is a school for environmental education located near Mockley Point, and instructors expressed concerns

about hunters in the area, said Kearney. Also, coves around the area are actually part of the park—even though submerged—and there is no hunting on park land. Finally, Kearney said that there have been sightings of bald eagles in the area. Safety and noise seemed to be secondary reasons for closing the area to hunting.

But Susan Recce, deputy assistant secretary for the U.S. Interior Department's Fish and Wildlife and Parks, said that NPS told her office that their concern for safety and park—unsubstantiated—shooting incidents prompted their action.

Recce and William Horn, assistant secretary for Fish and Wildlife and Parks, were asked to intervene in the matter by National Rifle Association lobbyist James Baker, who was contacted by some of the local hunters.

"We looked at it (the situation) and there was some question as to whether or not the safety concern was valid," said Recce.

After intense questioning and pressure

from the Fish and Wildlife and Parks of vice—and one week after the duck season began—NPS returned seven of the 13 blind-sites to the state of Maryland and the hunters.

"We missed about a week of, presumably, better hunting," said James Gillilan, one of the duck hunters.

The hunters are not really bitter about their ordeal with NPS; they are glad they got to hunt duck this past season. But they are concerned with what appears to be a dangerous trend starting at NPS.

In 1983, NPS issued new regulations that would prohibit hunting and trapping in certain national park recreation areas where those activities historically have been allowed. The NRA filed suit to reverse the regulations, and the case is pending in U.S. District Court for the District of Columbia.

And, the park service is attempting to buy two islands off the Southern California coast and stop hunters from taking wild sheep and other big game animals that inhabit the island.

Pro-Gun Groups File Brief in Gun Liability Case

ANNAPOLIS, Md. — The Maryland Court of Appeals recently rejected several pro-gun groups' arguments in denying a motion to reconsider its ruling that manufacturers of "Saturday Night Specials" may be held strictly liable for injuries caused by the criminal misuse of their products.

The Gun Owners of America Inc., the Second Amendment Foundation and the Congress of Racial Equality filed their friends of the court brief on behalf of Roehm Gesellschaft (a West German gun manufacturer) and R.G. Industries (its U.S. subsidiary) in their motion for reconsideration of the case of *Kelly vs. R.G. Industries*. In that case, Otis J. Kelly alleges that he was shot with an R.G.-made .38-caliber revolver, and is seeking damages from the gun manufacturer.

The Maryland Court of Appeals on Oct. 3 ruled that manufacturers of "small, inexpensive handguns, commonly known as 'Saturday Night Specials,'" may be sued for injuries caused by a third party's criminal misuse of the guns.

The court said that the maker of a "Saturday Night Special knows or ought to know that he is making a product principally to be used in criminal activity."

Maryland's highest court described "Saturday Night Specials" as "generally characterized by short barrels, light weight, easy concealability, low costs, use of cheap quality materials, poor manufacture, inaccuracy and unreliability." The court went on to say that those characteristics make the gun "particularly attractive for criminal use and

virtually useless for the legitimate purposes of...protection of persons, property and businesses."

In their brief, the Gun Owners of America and the Second Amendment Foundation — CORE, a nationwide civil rights group, focused on the discriminatory nature of the court's opinion (see Monitor, Dec. 15) — pointed out the court's definition of a "Saturday Night Special" is overly broad and inaccurate, its ruling will have an adverse effect on the manufacturers of "quality" handguns, and that the court relied on incomplete research on gun use by criminals as the basis for its decision.

The amici attacked the court's description of a "Saturday Night Special" and its statement that the gun's characteristics make it useless for self-defense, noting that "no standard reference work is cited for this view nor are any specific test results referenced."

The brief, prepared by the New York law firm of Benson and Kase, pointed out that "not even one case has been cited of successful safety defect litigation against a Saturday Night Special manufacturer."

GOA and SAF said that U.S. Treasury Department-sponsored testing showed that cheap and expensive handguns were "functionally equivalent in utility, safety and reliability for ordinary personal defense purposes."

Describing the gun as inaccurate is irrelevant, said the pro-gun groups, because most handgun shootings occur at close quarters. FBI studies show that the majority of shootings take place at a

range of seven yards or less, "and more commonly at about seven feet."

"There is no basis for concluding that cheap handguns are unreliable for the self-defense purpose," stated the brief. "The proof that the more expensive is better in no way implies that the less expensive is worthless."

The court's definition also will have an adverse impact on the manufacturers of "quality" handguns, said GOA and SAF.

"The decision, although intended to exempt the manufacturers of quality handguns, will inevitably involve them in endless litigation as plaintiffs argue that a particular firearm, despite high price, has other characteristics... which the Court found to be those of Saturday Night Specials," the brief stated. "In every suit involving criminal misuse of a quality detective-type handgun the manufacturer will be put to the expense of proving at trial by expert testimony that the gun falls outside the opinion's loosely defined class of Saturday Night Specials."

Finally, the Court of Appeals' fundamental basis for its ruling, that "Saturday Night Specials" are regularly used in crime, was refuted by the amici.

The brief relied on experts in the field of criminology and their studies of criminals and gun use to counter the court's assertions.

Professor David Bordua "Since the number of Saturday Night Specials (however defined) that have been sold enormously exceeds the amount of gun

crime even in ghetto areas, the vast majority of these weapons cannot be being used in crime."

Professor James Wright: "Every rigorous American study of gun crime has shown that the majority of crime guns are not Saturday Night Specials."

"There are just not enough criminals in the United States to account for the purchasing of a majority of the Saturday Night Specials produced."

"Our recent survey of felony convictions... finds them giving reliability, accuracy, firepower, and high quality in general, as their primary criteria for gun desirability."

The amici concluded that there was no basis for the court's statements that most Saturday Night Specials are used for criminal activity or that they are "particularly attractive" to criminals.

The brief closed by posing some questions that had been raised by the ruling but had not been answered by the Court of Appeals:

Asked the amici: "If cheap handguns were both unreliable and predominant as crime weapons (and the court said they are), would the best social policy response clearly be to make them unavailable so that at least some criminals would resort to more reliable weapons?"

The Court of Appeals apparently ignored that question and others as well as comprehensive studies and statistics in rejecting the motion for reconsideration, and opened the gates for a flood tide of product liability suits against the manufacturers of all handguns.

State Supreme Courts Hear Cases Affecting Gun Owners

TALLAHASSEE, Fla. — The Florida Supreme Court on Dec. 19 reversed a lower court's unanimous decision that Broward County's 1984 handgun referendum violated the state constitution.

The action paves the way for a 10-day waiting period and background check on handgun buyers throughout the South Florida county, while state pro-gun groups and the National Rifle Association will step up their efforts for Florida pre-emption.

The protracted legal case began in March 1984, when Broward County passed a referendum authorizing a county-wide gun control law. Under the referendum's provisions, municipal governments were barred from "opting out" of the measure as they had been allowed in the past.

Immediately after the March vote, Ft. Lauderdale attorneys Eugene Heinrich and Robert Cox challenged the referendum's legality under Florida's home rule doctrine for cities. Their claim, which was initially rejected by Circuit Court Judge Robert Able, was later upheld by a three-judge panel of Florida's Court of

Appeal for the Fourth District in a unanimous Oct. 10, 1984 ruling.

Broward County appealed that decision to the state high court, seeking to bind Ft. Lauderdale, Sunrise, Plantation, Dania, Pompano and other pro-gun cities — which had rejected the anti-gun measure — to the county's waiting period.

In its December ruling, the Florida Supreme Court said that counties could pre-empt city governments in the area of handgun control, which the court said "will best further the ends of government."

The court likened gun control to municipal "services" such as water and pollution control, parks and recreation, zoning and police.

State pro-gun organizations, led by the Unified Sportsmen of Florida, said the state high court's ruling would increase their efforts for passing a pre-emption bill in the Florida Legislature. Such a measure would bring uniformity to Florida's gun laws, prohibiting a myriad of county restrictions such as waiting periods in Broward and Dade counties.

VIRGINIA BEACH, Va. — The Virginia Supreme Court will decide this month whether to hear a legal appeal that attempts to overturn a law requiring city residents to obtain permits to purchase handguns.

The appeal is the result of a May 1985 decision by the Circuit Court for the City of Virginia Beach that upheld the permit law. The City Council passed the permit ordinance in 1982.

The appeal, filed by National Rifle Association Assistant General Counsel Richard E. Gardiner, argues that under state law only certain counties — and no cities — are permitted to enact handgun permit-to-purchase schemes.

Citing Virginia's Dillon rule, which provides that local governing bodies may not enact legislation unless granted permission by the state Legislature, Gardiner maintained that the General Assembly has not granted Virginia Beach permission to enact a gun ordinance.

In the May ruling upholding the gun ordinance, Circuit Court Chief Justice Henry L. Lam stated "... the Dillon rule does not invalidate the ordinance.... In our cities we live in a heavily structured

society. While preserving individual freedom as best we can, the dense population of our urban areas has caused the adoption of many additional laws deemed necessary to adjust to crowded living conditions."

Lam's opinion dissented from a 1983 non-binding opinion issued by then-state Attorney General Gerald L. Stables that said the permit-to-purchase requirement was illegal.

The petition to appeal the Circuit Court's decision states: "The Circuit Court has plainly concluded that the Dillon rule does not apply to densely populated urban areas. For this novel proposition, no authority has been cited. Rather the Circuit Court apparently has concluded that the Dillon rule is outdated and has no application to modern urban jurisdictions. The Dillon rule... is not a rule that a Circuit Court may, in some instances, refuse to apply."

Under Virginia law, only counties with a density of population of more than 1,000 per square mile have the power to enact handgun ordinances. Currently only Arlington and Fairfax counties fall into that category.

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The NRA Voluntary Practical Firearms Program teaches safe gun handling, the basics of marksmanship, firearms and the law and how to avoid criminal attacks.

Practical Firearms Program: Training for Self-Protection

By Katie O'Rearke
NRA Public Education

WASHINGTON—The National Rifle Association announced in January that more than 250,000 people, the majority of whom are women, have completed the organization's Voluntary Practical Firearms Program (VPFP).

The VPFP, created in 1983 by a coalition of experts in law enforcement, personal security and marksmanship, was developed in response to thousands of requests NRA received from women and older people for an effective self-protection program.

According to the program's national coordinator, Katie Maguire, more than 26 million women in America either own or have access to guns. "Women have adopted lifestyles independent of male protectors and are using guns for self-defense instead of relying on passive

resistance. Women are buying guns and learning how to use them," Maguire said.

The nine-hour VPFP course covers a wide range of subjects including shooting and firearm safety, handgun basics, and the care, cleaning and storage of guns. Additionally, local experts in the fields of law enforcement and self-protection teach classes on firearms and the law, and avoiding criminal attacks.

More than 10,000 classes are conducted annually by 5,000 NRA-certified instructors throughout the country. The cost of the course ranges from \$5 to \$10 to cover the cost of the materials and is not necessary to own a gun to attend the course.

For further information, contact Kathleen Maguire, NRA Education and Training, 1600 Rhode Island Avenue N.W., Washington, D.C. 20036 (202) 828-6259.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mary Louise Westmoreland, General Counsel
Handgun Control, Inc.
1400 K Street, N.W.
Suite 500
Washington, D.C. 20005

Re: MUR 2115
Handgun Control, Inc.; Handgun
Control Political Action Committee;
Edward O. Welles, as treasurer

Dear Ms. Westmoreland:

The Federal Election Commission notified Handgun Control, Inc. ("HCI"), Handgun Control Political Action Committee ("HCI-PAC") and its treasurer on January 2, 1986, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint and information supplied by your clients the Commission, on , 1986, determined that there is reason to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer, violated 2 U.S.C. § 441b(a). Specifically, it appears that HCI, HCI-PAC and Edward O. Welles, as treasurer, used corporate treasury funds to make in-kind contributions to 13 federal candidates. As reported by HCI-PAC, the contributions at issue are as follows: Schroeder for Congress (2-1-84); Britt for Congress (2-3-84); Borski for Congress (2-3-84); Keep Bob Kastenmeier in Congress (2-3-84); Fazio for Congress (2-3-84); Ratchford for Congress (2-3-84); Larry Smith for Congress (3-8-84); Citizens for Diana Nelson for Congress (3-8-84); Citizens for Percy 1984 (8-24-84); Friends of Congressman George Miller (9-6-84); Congressman Russo Campaign Committee (8-24-84); Matthew Martinez Congressional Committee (6-21-84); and Englehard for Congress (10-15-84).

In addition, on , 1986, the Commission determined to find no reason to believe HCI, HCI-PAC, and Edward O. Welles, as treasurer violated 2 U.S.C. § 441b(b)(4)(A)(i) by soliciting contributions to HCI-PAC from individuals who are not "members" of HCI within the meaning of the Act.

Attachment 3(1)

Your clients' response to the Commission's initial notification of this complaint did not provide complete information regarding the matter in question. Please submit answers to the enclosed questions within fifteen days of receipt of this letter. Statements should be submitted under oath.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that your clients wish the matter to be made public.

If you have any questions, please contact Maura White Callaway, the staff member assigned to this matter, at 376-5690.

Sincerely,

Joan D. Aikens
Chairman

Enclosures
Procedures
Questions

3(2)

Questions to: Handgun Control, Inc.; Handgun Control Political Action Committee; and Edward O. Welles, as treasurer

1. a. Please state who paid the costs of the staff time devoted to the preparation of the 13 in-kind contributions of donor/non-donor lists reported by Handgun Control Political Action Committee between the period of February 1, 1984, and October 15, 1984.
- b. With respect to question 1a state the amount of the staff time expended, the value of such time, and whether the value of such time was included in the amounts billed by Handgun Control, Inc. to Handgun Control Political Action Committee.
2. a. State whether the donor/non-donor lists discussed in question 1a were owned by Handgun Control, Inc.
- b. State whether the donor/non-donor lists discussed in question 1a were owned by Handgun Control Political Action Committee.

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Special Legislat Action Reply Mem

Step #1: Fight Back on the Legislative Front!

I want to support Handgun Control, go on the offensive in the House, mobilize its coalition with law enforcement officials and organize its supporters at the grassroots level.

Here's my check, payable to Handgun Control, for:

~~Mr. [redacted]~~
~~[redacted]~~
~~[redacted]~~

☐ \$15 ☐ \$25

☐ \$30 ☐ \$40

☐ Other \$ _____

32302RMM2C533XP9 TL08

Step #2: Fight Back on the Election Front!

I also want to make a special contribution to Handgun Control's Political Action Committee to get our Congress out of the NRA's pocket by helping to elect friends of handgun control to office.

Here's my separate personal check, payable to Handgun Control PAC, for:

☐ \$15 ☐ \$25 ☐ \$30 ☐ \$40 ☐ Other \$ _____

~~Mr. [redacted]~~
~~[redacted]~~
~~[redacted]~~

Please return this Reply
Memo along with your check(s)
to P.O. Box 19249, Washington,
D.C. 20036

32302RMM2C533XP9 TM08

Money-Saving Tax Information:

If you contribute to HANDGUN CONTROL's PAC, federal law allows you to take a 50% tax credit for your donation of up to \$50 for a single contribution and \$100 for a joint contribution.

Also, for a contribution of \$200 or more, the Federal Election Commission requires you to list your occupation and business address:

Occupation _____ Employer _____
City _____ State _____

Authorized and paid for by Handgun Control PAC.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 6, 1986

Mary Louise Westmoreland, General Counsel
Handgun Control, Inc.
1400 K Street, N.W.
Suite 500
Washington, D.C. 20005

Re: MUR 2115

Dear Ms. Westmoreland:

On January 23, 1986, the Commission received the response of your clients, Handgun Control, Inc., and Handgun Control Political Action Committee and its treasurer to the allegations contained in the complaint filed in this matter. The response alleges in turn that the National Rifle Association of America, the complainant in this matter, violated 2 U.S.C. § 437g(a)(12)(A) and 11 C.F.R. § 111.21(a) with respect to the instant complaint.

As you were informed by a member of my staff by telephone, in order for the Commission to look into the allegation raised in your response, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law and Commission regulations at 11 C.F.R. § 111.4 which are a prerequisite to Commission action are below:

- (1) A complaint must be in writing. (2 U.S.C. § 437g(a)(1)).
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized. (2 U.S.C. § 437g(a)(1)).
- (3) A formal complaint must contain the full name and address of the person making the complaint. (11 C.F.R. § 111.4).
- (4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4).
- (5) A formal complaint should identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4).

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- (6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4).
- (7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. § 111.4).

If you have any questions please contact Maura White Callaway at 202-376-5690.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross
By: Kenneth A. Gross (KAG)
Associate General Counsel

86040375011

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HANDGUN CONTROL

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January 30, 1986

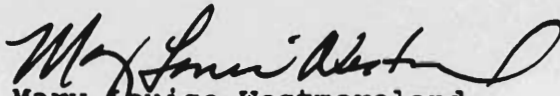
Ms. Maura Callaway
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2115

Dear Maura:

As you requested, enclosed is a copy of the January 15
MONITOR. The original was attached to the Affidavit of Charles J.
Orasin filed on January 23, 1986 with HCI'S reponse in MUR 2115.

Sincerely,


Mary Louise Westmoreland
General Counsel

MLW/vbf

Enclosure

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GENERAL COUNSEL

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MONITOR

NATIONAL RIFLE ASSOCIATION

Institute for Legislative Action

Volume 11 Number 1 January 11, 1984

At A Glance

The Wilmington, Del., City Council is expected to consider an ordinance to ban the sale and possession of handguns. Already, pressure has been put on council members to reject the ban proposal. (See story, page 1.)

Handgun Control Inc. has engaged in unlawful solicitations of political contributions and made corporate contributions to its political action committee in violation of federal law, according to a National Rifle Association complaint filed with the Federal Election Commission. (See story, page 1.)

New York Gov. Mario Cuomo, once again, has slighted NRA members and hunters. The possible 1988 presidential candidate recently tried to downplay his remark made in March 1983 that NRA members "drink beer, don't vote and lie to their wives about where they were all weekend." Cuomo said the remark was made in jest at a dinner last summer. (See story, page 2.)

Most state legislatures reconvene this month, and a flurry of pro- and anti-gun bills have been pre-filed and await in-

roduction in their respective statehouses. (See state roundup, page 3.)

Richard Monday, editor of the British magazine *Handgunner*, talks about firearms and firearms laws in Great Britain and the United States in a Monitor interview. (See interview, pages 4 and 5.)

The 21 field representatives of the National Rifle Association provide an important link between the association's 3 million members and its elected officials who carry out NRA policies. The NRA Field Services Division has updated and revised its list of field representatives. (See list, page 6.)

The Supreme Courts of Florida and Virginia have made or soon will be making decisions in cases of great importance to gun owners in portions of those states. (See story, page 7.)

More than 250,000 people, the majority of them women, have completed the NRA's Voluntary Practical Firearms Program. Started in 1983, the VFPF trains people in the safe and effective use of firearms for self-protection. (See story, page 8.)

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MONITOR

National Rifle Association of America

Institute for Legislative Action

Volume 13, Number 1



Kentucky Governor Martha Layne Collins, one of the few women to hold such office, recently was presented with a 24K gold .38-caliber Colt Detective Special for her pro-gun political stand by the Kentuckiana Arms Collectors Association. Collins, who favors tougher jail sentences, more prisons and the death penalty as effective crime deterrents rather than restrictive gun laws, was elected to her current post in 1983. Making the presentation to Collins were (left to right) Winfred Sumner, vice president, KACA; Tony Wilson, president; Governor Collins; Jeffrey W. Flannery, gun engraver; and Floyd Poore, Kentucky secretary of transportation.

City to Consider Handgun Ban

WILMINGTON, Del.—An ordinance to ban the sale and possession of handguns in this city of 70,000 was introduced Dec. 19 at a City Council meeting.

Councilwoman Loretta Walsh sponsored the anti-gun measure that would prohibit the sale of handguns and require current handgun owners to deliver their guns to local police within six months from the date of enactment of the ordinance.

The ordinance calls for violators to be fined from \$500 to \$2,500 or sentenced up to six months in jail.

Although Delaware recently passed a firearm pre-emption law that prohibits local municipalities from adopting gun laws more restrictive than the state's, city attorneys who drafted the Wilmington ban proposal claim that they have found a loophole in the law. The state law says that no city may amend its charter to enact firearm laws more restrictive than the state's; lawyers for the city say their proposal is an amendment to an ordinance, not the city charter.

The proposed law, which was sent to the Public Safety Committee and is expected to be debated at a public hearing this month, was modeled after ordinances in Morton Grove, Evanston and

Oak Park, Ill. Indications are that the handgun bans in those Chicago suburbs have done little or nothing to reduce crime, and many of the gun-owning residents have ignored the provisions requiring that they surrender their handguns to police.

Walsh claims that many of her constituents voiced support for gun control, but fellow Delaware resident Nelson T. "Pete" Shields, president of Handgun Control Inc., told the Wilmington News Journal, "My group cannot support this law."

The Delaware State Sportsman's Association is gathering support to fight the City Council proposal and DSSA President John Thompson is confident the ordinance will be defeated.

"I think we can win in City Council," said Thompson. "Then we're going to close this supposed loophole so that we don't have to fight this thing two years from now."

Thompson said that DSSA plans to amend the state pre-emption law to preclude local municipalities from amending their charters and ordinances with regard to gun control. Amending legislation is expected to be introduced when the Legislature reconvenes Jan. 14.

Complaint Filed Against HCI

WASHINGTON—Handgun Control Inc. unlawfully solicited contributions and made illegal corporate contributions to candidates running for federal office in 1984, the National Rifle Association has charged in a formal complaint recently filed with the Federal Election Commission.

The Dec. 19 complaint, filed by NRA Assistant General Counsels Janet Scherer and Richard Gardiner, stems from a July 1985 disclosure report filed with the FEC by HCI's political action committee, HCI-PAC. The report revealed that HCI-PAC "reimbursed" HCI for more than \$2,100 last January for in-kind contributions made by HCI on behalf of the PAC to 13 federal candidates in 1984.

Under federal law, it is illegal for a corporation to make campaign contributions or lend money to its PAC.

NRA's complaint also alleges that

HCI "knowingly entered false information on several of its 1984 reports to conceal HCI's corporate contribution."

The complaint states that, in at least three earlier disclosure reports to the FEC, HCI maintained that the in-kind contributions were made by HCI-PAC and not HCI.

NRA's complaint also charges HCI with violating federal law by soliciting contributions from individuals who are not members of the organization.

An earlier FEC directive ordered HCI to revamp its membership structure by assigning specific membership rights to individuals in order to make solicitations for political contributions. NRA's complaint charges that while HCI complied with the directive, it is not yet in compliance with federal law because it has not granted sufficient membership rights to supporters and has continued to solicit political contributions.

In this issue:

- Handgun Ban Proposed in Del. City p. 1
- NRA Important to National Security p. 2
- State Roundup p. 3
- Monitor Interview: Richard Munday p. 4-5
- NRA Field Representatives p. 6
- Legal News p. 7
- Voluntary Practical Firearms Program p. 8

COMMENTARY

Past Presidents, Officials Praise NRA

The concept of an armed citizenry has been endorsed by chiefs of state and the military since America was founded. In looking through the NRA archives recently, we found some interesting correspondence by famous military and political figures that we thought our readers might enjoy:

"Expertness in the use of the rifle cannot be over-emphasized. If the Cleveland Civilian Marksmen's Association is bringing this kind of training and knowledge to the men who will one day become either officers or enlisted men in any of the armed forces, it is doing them, and the country, a service of incalculable value."

— Dwight D. Eisenhower
commander-in-chief of the
Allied Force Headquarters
August 16, 1943

"I hope that the splendid program which the National Rifle Association has followed during the last three-quarters of a century will be continued. It is a program which is good for a free America."

— President Harry Truman
November 14, 1945

"The record of the National Rifle Association during World War II has been one in which its members should take great pride. The nation is fortunate in having such an organization upon which it can rely for the continued development of proficiency in the use of small arms by the citizens of this country."

— George Marshall
chief of staff of the
War Department
October 30, 1945

"I take this opportunity to congratulate the National Rifle Association for its untiring efforts to encourage marksmanship training among the youth of our country. The Association deserves much credit for its contribution to the promotion of competitive shooting which bore much fruit in the training camps and on the battlefields of World War II as well as during the present national emergency."

— President Harry Truman
September 20, 1951

"Through competitive matches and sports in coordination with the National Board for the Promotion of Rifle Practice, the National Rifle Association fills an important role in our national defense effort, and fosters in an active and meaningful fashion the spirit of the Minute-men."

— President John F. Kennedy
March 20, 1961

"The NRA believes America's laws were made to be obeyed and that our constitutional liberties are just as important today as 200 years ago. The Constitution does not say Government shall decree the right to keep and bear arms. The Constitution says 'the right of the people to keep and bear arms shall not be infringed.' No group does more to promote gun safety and respect for the laws of this land than the NRA, and I thank you."

— President Ronald Reagan
May 6, 1983

Cuomo Gives 'New' Description of NRA Members



Governor Mario Cuomo

ALBANY, N.Y. — One of the National Rifle Association's favorite politicians has put his foot in his mouth — again.

New York Gov. Mario Cuomo once again has endeared himself to NRA members and hunters throughout the country.

The governor was quoted in April 1985 by the Los Angeles Times as describing those opposed to New York's mandatory seat belt law as NRA members "who drink beer, don't vote and be to their wives about where they were all weekend."

His latest faux pas occurred Dec. 31 when he described that earlier political

gaffe to reporters for Albany radio station WINS.

When asked to recall his personal worst in 1985, Cuomo recounted remarks made about the NRA. He told the radio station that the remarks were made at a dinner in California last summer. (Summer usually is considered to be the time from June through September. Cuomo made his off-the-cuff comments in March.)

Said Cuomo: "I said in a jocular way, these guys are out pretending they're hunting. They're really having a party and they're lying to their wives about it. They'll buy a deer, strap it to the car and bring it home. The guys (at the dinner) laughed; we all laughed, but they put it on the wire and 6 million NRA people hoisted their pistols and their cannons and pointed them at Albany, as I would if I were an NRA member."

For his remarks in the Times, Cuomo received a letter from NRA-Institute for Legislative Action Executive Director J. Warren Cassidy, who wrote that the governor was "perpetuating an unfair and prejudiced stereotype that is unjustified and intolerable."

"You pride yourself as a champion against ethnic prejudice, yet you continually demonstrate the most unforgivable and callous prejudice against those who choose to own guns and hunt."

"You will see for yourself whether or not NRA members vote," Cassidy's letter concluded.

Cuomo tried to allay NRA's wrath in a letter to then-NRA President Howard Pollock, saying that politicians say things from time to time that may create "baseless concerns."

"My response was inartful," said Cuomo. "It could leave a false impression of disrespect for the National Rifle Association."

NRA officials, who viewed Cuomo's so-called apology as less than sincere, consider the governor's recent radio remarks as an attempt to "brush off" his earlier statements about the organization.

The 3 million-member association has renewed its pledge to oppose Cuomo in his bid for re-election in 1986 — there are 200,000 NRA members in New York — and should he run for the 1988 presidential nomination.

Correction

In the production of the Dec. 31 Monitor (Vol. 12, No. 24), the printing company accidentally transposed the photos on pages 1 and 7 on certain issues. A limited supply of corrected copies is available from NRA Public Education. Our printers apologize for the error.

Monitor Reprint Policy

Reprints of the Monitor are available for purchase. Contact the National Rifle Association for more information.

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state roundup

Pennsylvania

HARRISBURG—Patrol carry permits may be extended from the current one-year validation period to an indefinite period if bills that were recently introduced in the state Legislature are approved.

S.B. 1265 was introduced in December by Sen. D. Michael Fisher to "correct the deficiencies in the current law, and stop the abuses of power that have been uncovered in many counties and towns in Pennsylvania," according to a press release from the Allegheny County Sportsmen's League.

A House companion bill, H.B. 819, was introduced in April by Rep. Robert W. Godshall.

No action has been taken on the bills to date, but the Senate is expected to consider its bill soon, according to Pennsylvania sources. The bills have been assigned to their respective Judiciary committees.

If the bills are passed and signed into law they would:

- Specify in the law the contents of carry permit applications;
- Mandate that a carry license be valid anywhere in the state;
- Eliminate the necessity of stating a "reason" to obtain a license;
- Require the issuing authority to state if "reason," in writing, why an application should be denied;
- Change the validation period from the present one year to indefinite;
- Require that only the sheriff of a county be responsible for issuing a license;

- Set the fee for a license at \$20;
- Provide procedures for administrative appeals of suspensions, revocations and denials of a license to be heard within 20 days;
- Require that the license and application forms be provided by the state police, and that they be uniform throughout the state;
- Specify who may not be eligible for a license;
- Provide the sheriff with a grant of immunity from liability for the actions of a licensee.

Legislation (H.B. 583) also is pending in the Legislature to extend state carry permits from their current one-year life to five years. [See Monitor, Dec. 15.]

Michigan

LANSING—Michiganders now will be allowed to use handguns to hunt deer in the lower third of the state.

Gov. James Blanchard signed into law Dec. 8 a bill that permits the use of "repeating" handguns for deer and other big game hunting in the southern portions of the Wolverine state. (Michigan does not allow hunting with rifles.)

The bill, H.B. 4096 sponsored by NRA member and state Rep. Jerry C. Batzlik, was passed by the House May 28 by a vote of 92-0. The Senate approved the measure, with an amendment, 24-10, and the House concurred Oct. 21 by a vote of 99-0.

Michigan law previously allowed handgun hunting in the other two-thirds of the state.

Richmond Councilmen Expected to Propose Anti-Gun Measure

RICHMOND, Va.—City Councilmen Walter Kenney and Henry Marsh are expected to propose an ordinance to control guns in this capital city of 220,000.

Richmond had a rash of handgun-related deaths in 1983, topping the number of 1984 killings. But most of the deaths were homicides related to drug deals, according to police reports.

Kenney and Marsh also proposed handgun control measures last year. The councilmen introduced in January 1983 an ordinance that would have required city residents to register their handguns by May 31, 1985. The ordinance also would have banned the sale of handguns in the city, and persons failing to register their guns by the May 31 deadline could have been charged with a misdemeanor.

A second proposal called for handgun registration only.

Both measures were defeated overwhelmingly by the City Council, which elected instead to adopt a resolution supporting stiffer mandatory penalties for those convicted of using a gun during the commission of a felony.

Two bills to enhance firearm manda-

tory sentences were introduced in the Virginia General Assembly last year, but neither measure was reported out of committee.

The Kenney-Marsh proposal—if, as expected, attempts to control the sale or possession of guns or call for their registration—would be in conflict with the state's pre-emption law.

The Dillon rule—which holds in general that state law supercedes local ordinances, and which has been interpreted by the former state's attorney general as applying to firearms legislation—protects Virginia gun owners from restrictive firearms laws.

Despite the Dillon rule, city attorneys have stated in the past that the city charter contains language that allows actions to be taken to protect citizens.

Once again, the Virginia State Rifle and Revolver Association and the National Rifle Association will be active in stopping the anti-gun proposals in Richmond.

For more information on the anti-gun ordinance, contact Chuck Cunningham, NRA state liaison for Virginia (202) 828-6377.

State Senator Proposes Bill to Stop Sale of 'Saturday Night Specials'

ANNAPOLIS, Md.—A bill to define "Saturday Night Specials" and make their sale illegal was introduced in the state Senate Jan. 8 by Sen. Troy Brailey of Baltimore.

The bill, S. 96, would define a "Saturday Night Special" as a handgun that has a frame, barrel, cylinder, slide or breechlock that is a die casting of a metal alloy or any other material that has a melting point of 1,000 degrees or less.

The legislation also would amend existing laws covering penalties for violations of the state's gun laws.

Anyone who sells or offers for sale a "Saturday Night Special" would be guilty of a misdemeanor and fined from \$250 to \$2,500 or jailed not less than 30 days nor more than three years, or both, if the violation was a first offense. Once convicted persons who violate the "Saturday Night Special" law would be subject to a mandatory one-year sentence—not more than 10 years—and persons convicted of more than one gun law violation would be subject to a three-year mandatory minimum sentence, not to exceed 10 years. (Maryland gun laws do not differentiate between use of a gun during the

commission of a crime and the mere carrying of a gun without a license.)

The bill was introduced to bolster a recent Maryland Court of Appeals ruling that holds the manufacturers of "small, inexpensive handguns, commonly known as 'Saturday Night Specials,'" strictly liable for injuries caused by the criminal misuse of their products.

The Maryland high court characterized "Saturday Night Specials" as having "short barrels, light weight, easy concealability, low costs, use of cheap quality materials, poor manufacture, inaccuracy and unreliability." (See Monitor story, page 7.)

Banning the sale of so-called "Saturday Night Specials" also would be a major step toward Baltimore's goal of ridding the city of all handguns. In City Council meetings in December, several council members supported a ban on the sale and possession of handguns, and a resolution was drafted to request the city's delegation to the General Assembly to support legislation to amend state law to allow municipalities to control guns.

(Maryland has a firearm pre-emption law prohibiting municipalities from adopting gun laws more strict than the state's.)



Colorado state Representative Carol Taylor-Little recently visited NRA headquarters in Washington, D.C., to discuss a bill she is sponsoring that will prevent handgun manufacturers from being held liable for the criminal misuse of their products in Colorado. From left to right: NRA-ILA Executive Director J. Warren Cassidy, Rep. Little and Louis J. Brune, NRA state liaison for Colorado.

LEADERS

An Exclusive Monitor Interview

British Scholar Richard Munday

By Denise Traj Remon
Monitor Staff Writer



Richard Munday, the assistant editor of *Handgunner* magazine in Britain, was recently in Washington completing a fellowship with the Division of Armed Forces History in the National Museum of American History, Smithsonian Institution. A graduate of Oxford University, Munday's research focuses on the development of the American rifle movement and the civilian concept of arms law since 1800 and the present. Munday's next project will be a two-year research fellowship in Geneva for the Institute for Higher International Studies where he will examine and compare various European rifle movements and the concept of citizen's society.

MONITOR: What exactly are Britain's firearm laws and are they more restrictive than those enforced in the United States?

MUNDAY: That depends. The big shock upon arriving in the U.S. was finding that you have more than 20,000 separate gun laws. The advantage of the English system is that we have just one law applying to the entire country. It is a bad law, but at least it's constant. We don't have this problem of laws changing from town to town, city to city and state to state. Now, whether the English system is better or worse depends on what part of America you're from. If you come from Wyoming, you will be appalled by Britain's gun laws. On the other hand, if you come from the District of Columbia or New York, you're going to think it the other way around.

MONITOR: How are firearms regulated in Britain?

MUNDAY: Basically there are two types of firearm registration in Britain — firearm certificates for pistols and rifles, and shotgun certificates for shotguns. Under the terms of Britain's Firearms Act, for each individual rifle or pistol that you want, you must justify why you want it. In order to justify it, you must show what is known as "good reason." Unfortunately, "good reason" is open to interpretation and that interpretation has differed through the course of time. For example, in 1945, the accepted reason for wanting a pistol was "personal protection." Today, if you apply to your local police force and said you wanted a pistol for personal protection, the application would be rejected out-of-hand. The text of the law hasn't changed, just the interpretation of it.

MONITOR: What is considered "good reason" today?

MUNDAY: For pistols, competition shooting is generally the only accepted reason. For small bore or hunting rifles, then obviously hunting is justifiable. Pest control and rodent control are acceptable reasons for owning a rifle. Basically, it has been a general turn-around in attitudes with regard to the freedom of the individual and the state and the notion of how far you can rely on the police force.

MONITOR: When would you say that this "general turn-around" became most noticeable?

MUNDAY: Well, it has been a gradual change since the first handgun laws were introduced in the 1920's. But I would say 1968, which was a bad year for shooters in general, marked a turning point. In that year we had a new Firearms Act passed that basically consolidated all of the previous ones. Since then, there has been a different approach on the part of police departments and the bureaucracy in enforcing and interpreting firearm laws. They have taken to enforcing several very strict policies including pricing applicants out of the market. For example, the fees for firearm certificates have gone up dramatically since 1965. Back then, if I remember correctly, a firearm certificate was about a half-a-dollar. Now it costs about \$35. People who are keen on shooting don't mind paying that every three years, but for the casual shooter and the shooter who keeps a rifle to shoot rabbits on his farm, the price is a little high. These are the people who tend to give up their licenses rather than spend the money to renew them.

Another policy the police in many forces have adopted is to require applicants to fill out other forms in addition to those required by law. Frequent-

ly, it is just a duplication of information, but basically it means that people have got to go through a lot of paperwork, time and trouble to get access to firearms. And back to the matter of "good reason." If a person says he wants a pistol or rifle for competitive shooting, the first thing the police will ask is what club you belong to. Then they will demand a letter from the secretary of the club confirming that the applicant is a keen shooter. Now there is no basis in law for demanding an applicant to be a member of a club, but in practice, a person has to be in order to get a license for a pistol or anything other than a hunting rifle.

So you see the law hasn't changed, but the practice of enforcement has driven more than 50,000 people out of shooting in the past 10 years. Given the fact there are only 300,000 certificate holders in the entire country, 50,000 is quite significant.

MONITOR: What about shotguns?

MUNDAY: The shotgun legislation was introduced, once again, in everyone's bad year, 1968. Until then, there was no registration on shotguns whatsoever. Now an applicant must have two character references and fill out the basic forms on occupation and personal information. Provided the applicant doesn't have a criminal record or isn't insane, the issue is automatic. There are proposals now pending, however, to toughen up the system and require applicants for shotguns to fulfill the same requirements demanded for the pistol and rifle certificate system. Under that system, the burden is on you to justify each and every weapon. Shotgun certificates are issued on personal character rather than the weapon.

There is an interesting twist to the way the shotgun legislation got passed. In 1967, there was a media issue raised on how terrible it was that shotguns could be purchased from shops and then sawed off and used in crime. At the time, the issue was reviewed by Roy Jenkins, then the home secretary. He looked at the situation in a reasonably intelligent manner and came to the conclusion that there was no statistical case for introducing shotgun legislation. But in the spring of 1968, legislation on shotguns was introduced because between 1967 and 1968 three policemen were killed with handguns even though handguns had been strictly controlled since 1920. So the government, because of the media issue, had to be seen to do something, and regulated shotguns, ignoring the fact that the issue had been declared irrelevant 12 months before.

MONITOR: Have these policies helped to deter crime or is firearm-

related crime increasing in Britain?

MUNDAY: Firearm-related crime has increased in direct proportion to violent crime. Violent crime has increased so therefore, some subtraction of that is the element of gun crime. But there hasn't been a change in the overall balance since any of these laws were enacted. The proportion was there before the legislation was introduced and it's here afterwards, so it just goes to show that firearm laws have been an answer to a non-existent question. One of the things about introducing any legislation on firearms is that it is the easy answer. It's irrelevant, but the politicians or whoever is doing it can be seen by the people and the media to be doing something. And most people, who don't appreciate what the real situation is, are satisfied.

MONITOR: Experts have speculated that Europe may one day adopt a standard firearms code that would even further restrict gun ownership rights. Can you see this happening?

MUNDAY: Absolutely. In Britain and probably eventually the U.S., one of the principal threats we are going to face is going to come from Europe and resolutions made by the Council of Europe. The Council is anxious to put forth resolutions on anything it can agree on to signify unity. It cannot agree on the more contentious issues like agriculture, defense and other powerful interests, but it can agree on standardizing firearm legislation. As far as the European governments are concerned, the shooting community is an expendable one. It is not a big electorate. So uniform firearm laws could be used by the Council in a show of unity without it having to agree on the more problematic issues.

What this would mean would be that everybody would get the worst of everybody's laws. Of course every society has its own variety of craziness and it would be a combination of every country's worst in respect to gun control. For example, the Italian law, which prohibits private ownership of all military-caliber firearms, could be adopted all over Europe.

I believe that if uniform firearm laws are adopted in Europe, it will imperil the U.S. to some degree because the pressure from the world will influence lawmakers and say, "Look this is the way it should be done. The Europeans have adopted a strict uniform gun code and so should the U.S." The Council, which has been working on these types of proposals for many months, also would claim that a uniform gun law across Europe would be an effective counter-terrorism measure. Again, the U.S. could be

Examines Gun Control in a New Light

vulnerable to this sort of dissuasion: the argument that we must legislate against terrorism by limiting the access of firearms. I firmly believe that Britain's problems today are going to be America's problems 10 years hence.

MONITOR: England seems very susceptible to gun control laws. Is it primarily the government who supports them or is it the population in general?

MUNDAY: I would say that the tenor of the entire country in general is anti-gun because of the heavy influence of the media and the perspective on firearms from a nation of people. You must keep in mind that the shooting community numbers about 3 million of a nation of 56 million. For the remaining 53 million, guns are an alien issue. Their opinions are going to be formed by what they see on television, and by really half-witted newspaper reports about guns in the U.S. They are not going to address the real issue or have any familiarity with it. What we must do, if the shooting sports are to survive, is to give these people a new perspective.

MONITOR: What type of "new perspective"?

MUNDAY: Well, we must stress the importance of the link between our civilian resources and the military. As long as firearms are looked at in terms of "Starky and Hutch" and in terms of cops and robbers and the crime problem, then we have a real problem. What we must do is introduce new perspectives on firearms, civilians and the military. If you simply plead "shooters' rights" in Britain, nobody's heart is going to bleed for you. If you can prove your positive benefits to society then your rights will survive. We've learned that rights without duties don't tend to last very long.

One way for the shooting community to do this is to align itself more visibly with the military. If we have the military on our side in this context, it promotes shooting and gun ownership as a social utility. That is the way the NRA in both of our countries grew up and in my mind it is the only way the shooting community can survive.

It's quite practical when one thinks about it: Consider that most countries have fixed defense budgets that only have so much flex. And while the costs of defense materials are escalating very rapidly, the biggest and costliest fixed element in most defense budgets is manpower. Now, between the costs of materials and manpower, it is quite possible for the military to slip into technological obsolescence. Therefore, we must look at the possibility of exploiting civilian resources in a defense context or in

somehow reducing our manpower costs. This gives a whole new content to various concepts of what the citizen soldier might be. In addition, there is a recognized shortage of in-depth reserves in NATO. It is clear we have a manpower shortage. How are we going to afford more people at professional rates? The shooting community and the civilian soldier is our answer.

Another factor that supports this idea is the speed of the modern battlefield. It's the concept that if the soldiers aren't there already, then they are never going to get there in time. On the other hand, if you have an organized civilian military, you can actually move people and get them to an area on time to fight a battle. We're almost back to the tradition of the Anglo Saxons, which was: If you were waiting onshore when the raiders came, then you could possibly save them off. If you weren't there, you wouldn't get there.

So there are all sorts of military reasons why the exploitation of the civilian resources must be important to us. From the point of view of the shooting community, I think it is the key to its survival.

MONITOR: Do you foresee the public accepting the idea of the "citizen soldier"?

MUNDAY: Yes, eventually, if presented properly. You see, right now we have a bit of a public relations problem with it because of the transition of attitudes over the last two decades. For instance, if you look back at the middle of the last century, you have a transition from then to now, in terms of the word "militia" and the words "paramilitary force." The connotations of those two phrases, which mean very much the same thing, are entirely different. A militia man was considered, in the last century, much more respectable than the regular soldier because the regular soldier was a man who lived off the state, while the militia man got on with his job and served as needed. Whereas nowadays, it's the regular soldier who is respectable and the paramilitary who is somehow seen as being unsavory and a risk of subversion or whatever.

MONITOR: Would you say this "risk of subversion" concept has been a big part of the passage of gun control laws in Europe and the United States?

MUNDAY: I don't think there is any question that the underlying factor in virtually every country's decision to promote or limit the use of firearms is paranoia about the security of state. If you actually look at the founding of the American NRA, you'll find one of the fundamental factors in getting it off the ground was the riots in New York City in

1871. The U.S. needed a National Guard to handle that sort of thing. There are different types of parallels in many European countries as well. France still substantially suffers from the emergency firearms legislation introduced in 1939. Germany still has strong elements of the new code introduced by the Nazis because they were concerned about the private ownership of firearms as a potentially anti-Nazi threat. In England, firearm laws were passed primarily in response to the fears of a Bolshevik revolution and later in response to problems caused by the Irish Republican Army. This is why it is very important that we seize the issue of terrorism by the horns and discount firearms control as a way to effectively combat it. Otherwise it is quite possible that the shooting community and the right to bear arms could be sold out on the excuse that the only way to eliminate terrorism is to limit access of firearms by the common man.

MONITOR: Why do you think that the many governments and the non-

shooting populations of the world are willing to believe that restricting firearms will reduce terrorism and other crime?

MUNDAY: Again, it is the change-around in attitudes. It is clear that we live in a material society. Our fundamental problem is that we give priority to the material elements in society. For example, the gun commits the crime and is the material factor that conditions the actions of the individual. This notion of diminished responsibility, reduced to a theory, is inevitably going to find as one of its corollaries pressure for the control of firearms. That attitude says that it is not the independent thoughts of the individual that cause the crime, rather that his action was conditioned by the presence of the material, the gun in this case. It is up to us to change this mindset, and it simply cannot be done by spouting statistics no matter how true they are. We must pitch the firearms issue in a new perspective and pointing out the value of a competently armed citizenry is a good way to start.



Field Reps.: NRA Key to Communications

The NRA Field Representative Areas were renumbered on Jan. 1 to put them in a logical numerical sequence, according to Anthony Madda, field staff coordinator. The new listing appears below.

AREA 1
Maine, Vt., N.H., R.I., Mass., Conn.
Robert N. Pomeroy Sr.
P.O. Box 68
S. Woodstock, Conn. 06267
(203) 928-6934

AREA 2
N.Y., N.J.
Richard R. Sorrentino
P.O. Box E
Westtown, N.Y. 10996
(914) 726-3999

AREA 3
Pa.
Alan S. Krag
315 S. Allen St., #226
State College, Pa. 16801
(814) 234-2222

AREA 4
Del., Md., Va., W. Va., District of Columbia
John Hepl
P.O. Box 219
Hollywood, Md. 20636-2018
(301) 373-2294

AREA 5
N.C., S.C.
Fred Edgercomb
P.O. Box 913
Clinton, N.C. 28328
(919) 592-7903

AREA 6
Fla., Ga.
Dave Luter
P.O. Box 341
Port Richey, Fla. 33568
(813) 863-1834

AREA 7
Ala., Miss., La.
Ed Nison
P.O. Box 80353
Baton Rouge, La. 70806
(504) 769-3264

AREA 8
Ky., Tenn., Ark.
Daniel A. Wiggins
P.O. Box 112
Beaver Dam, Ky. 42320
(502) 274-9330

AREA 9
Ind., Ohio, Mich.
Don "B." Smith
P.O. Box 9
Fremont, Ind. 46737
(219) 495-2826

AREA 10
Iowa, Wisc.
David Parsons
111 Greenbrier Drive
Burlington, Iowa 52601
(319) 753-0836

AREA 11
Ill., Mo.
Willis Corbett
1460 Zimmerman Place
St. Louis, Mo. 63132
(314) 991-2643

AREA 12
Texas, Puerto Rico
Berk Chambers III
207 Westover Dr. — PP
Granbury, Texas 76048
(817) 573-3649

AREA 13
Neb., Kan., Okla.
Lewis Elliott
Route 2, Box 467
Sand Springs, Okla. 74063
(918) 363-8304

AREA 14
Minn., N.D., S.D.
Marilyn W. Bergom
P.O. Box 32759
Fridley, Minn. 55432
(612) 571-5864

AREA 15
Idaho, Mont.
Grant Sanborn
P.O. Box 1293
Twin Falls, Idaho 83301
(208) 733-1880

AREA 16
Colo., Utah, Wyo.
George L. Nyfeler
Box 25217
Templeton Station
Colorado Springs, Colo. 80936
(303) 591-6933

AREA 17
Ariz., N.M.
Mary Peterson
P.O. Box 13008
Tucson, Ariz. 85732
(602) 795-5261

AREA 18
Calif., Nev., Hawaii
Robert B. Grago
P.O. Box 399
Cucamonga, Calif. 91730
(714) 987-9687

AREA 19
Calif., Nev., Hawaii
Judith E. Poed
1100 J St., #790
Sacramento, Calif. 95814
(916) 446-2455

AREA 20
Wash., Ore.
Michael A. Krel
P.O. Box 859
Gig Harbor, Wash. 98335
(206) 859-3306

AREA 21
Alaska
Rupert Andrews
9416 Long Run Drive
Juneau, Alaska 99801
(907) 789-7422

Anti-Hunting Actions by NPS Have Many Hunters Concerned

WASHINGTON—Recently, the National Park Service has initiated actions that have left it less than chummy with many hunters.

In October 1985, only weeks before the opening day of waterfowl season in Maryland, NPS filed a blind-site license application with the Maryland Department of Natural Resources to secure park shoreline on the federal Piscataway Park in southern Maryland.

The NPS was licensed for all 13 of the blind-sites around the area, known as Mockley Point, at the confluence of Piscataway Creek and the Potomac River. The marshy point has been used for nearly 15 years by local duck hunters, who use off-shore floating blinds. Shooting over—away from the park—the river, the hunters come to the area to enjoy the quiet and excellent duck hunting.

But all of that was threatened when the NPS filed its blind-site application. Hunters would not have been allowed to use the floating blinds in the area because they would have been too close

to the newly licensed—and unused—park blind-sites.

Hunters who use the area were hopping mad and they let people know it.

Hunter and local resident Jack Weatherbee contacted Washington Times-outdoor writer Gene Mueller and gave him a tour of the area. Mueller reported that the hunters believed that a \$100 donation to the park management from a residential area adjoining the park resulted in the buying up of all of the blind-sites. Many of the residents have complained about the noise of the shooting and are concerned about safety.

Superintendent of National Capital Parks/East Burnice Kearney, manager of Piscataway Park, told Mueller that his office did receive such a donation, but denied that it affected the decision to secure the blind-sites.

Kearney said that there were three reasons for buying all the blind-sites. There is a school for environmental education located near Mockley Point, and instructors expressed concerns

about hunters in the area, said Kearney. Also, coves around the area are actually part of the park—even though submerged—and there is no hunting on park land. Finally, Kearney said that there have been sightings of bald eagles in the area. Safety and noise seemed to be secondary reasons for closing the area to hunting.

But Susan Recce, deputy assistant secretary for the U.S. Interior Department's Fish and Wildlife and Parks, said that NPS told her office that their concern for safety and past unsubstantiated shooting incidents prompted their actions.

Recce and William Horn, assistant secretary for Fish and Wildlife and Parks, were asked to intervene in the matter by National Rifle Association lobbyist James Baker, who was contacted by some of the local hunters.

"We looked at it (the situation) and there was some question as to whether or not the safety concern was valid," said Recce.

After intense questioning and pressure

from the Fish and Wildlife and Parks of Recce—and one week after the duck season began—NPS returned seven of the 13 blind-sites to the state of Maryland and the hunters.

"We missed about a week of, presumably, better hunting," said James Gillilan, one of the duck hunters.

The hunters are not really bitter about their ordeal with NPS, they are glad they got to hunt duck this past season. But they are concerned with what appears to be a dangerous trend starting at NPS.

In 1963, NPS issued new regulations that would prohibit hunting and trapping in certain national park recreation areas where those activities historically have been allowed. The NRA filed suit to reverse the regulations, and the case is pending in U.S. District Court for the District of Columbia.

And, the park service is attempting to buy two islands off the Southern California coast and stop hunters from taking wild sheep and other big game animals that inhabit the islands.

Pro-Gun Groups File Brief in Gun Liability Case

ANNAPOLIS, Md. — The Maryland Court of Appeals recently rejected several pro-gun groups' arguments in denying a motion to reconsider its ruling that manufacturers of "Saturday Night Specials" may be held strictly liable for injuries caused by the criminal misuse of their products.

The Gun Owners of America Inc., the Second Amendment Foundation and the Congress of Racial Equality filed their friends of the court brief on behalf of Rosthm Gesellschaft (a West German gun manufacturer) and R.G. Industries (its U.S. subsidiary) in their motion for reconsideration of the case of *Kelly vs. R.G. Industries*. In that case, Olen J. Kelly alleges that he was shot with an R.G.-made .38-caliber revolver, and is seeking damages from the gun manufacturer.

The Maryland Court of Appeals on Oct. 3 ruled that manufacturers of "small, inexpensive handguns, commonly known as 'Saturday Night Specials,'" may be sued for injuries caused by a third party's criminal misuse of the guns.

The court said that the maker of a "Saturday Night Special" knows or ought to know that he is making a product principally to be used in criminal activity.

Maryland's highest court described "Saturday Night Specials" as "generally characterized by short barrels, light weight, easy concealability, low cost, use of cheap quality materials, poor manufacture, inaccuracy and unreliability." The court went on to say that those characteristics make the gun "particularly attractive for criminal use and

virtually useless for the legitimate purposes of ... protection of persons, property and businesses."

In their brief, the Gun Owners of America and the Second Amendment Foundation — CORE, a nationwide civil rights group, focused on the discriminatory nature of the court's opinion (see Monitor, Dec. 15) — pointed out the court's definition of a "Saturday Night Special" is overly broad and inaccurate, its ruling will have an adverse effect on the manufacturers of "quality" handguns, and that the court relied on incomplete research on gun use by criminals as the basis for its decision.

The amici attacked the court's description of a "Saturday Night Special" and its statement that the gun's characteristics make it useless for self-defense, noting that "no standard reference work is cited for this view nor are any specific test results referenced."

The brief, prepared by the New York law firm of Benenson and Kates, pointed out that "not even one case has been cited of successful safety defect litigation against a Saturday Night Special manufacturer."

GOA and SAF said that U.S. Treasury Department-sponsored testing showed that cheap and expensive handguns were "functionally equivalent in utility, safety and reliability for ordinary personal defense purposes."

Describing the gun as inaccurate is irrelevant, said the pro-gun groups, because most handgun shootings occur at close quarters. FBI studies show that the majority of shootings take place at a

range of seven yards or less, "and more commonly at about seven feet."

"There is no basis for concluding that cheap handguns are unreliable for the self-defense purpose," stated the brief. "The proof that the more expensive is better in no way implies that the less expensive is worthless."

The court's definition also will have an adverse impact on the manufacturers of "quality" handguns, said GOA and SAF.

"The decision, although intended to exempt the manufacturers of quality handguns, will inevitably involve them in endless litigation as plaintiffs argue that a particular firearm, despite high price, has other characteristics ... which the Court found to be those of Saturday Night Specials," the brief stated. "In every suit involving criminal misuse of a quality detective-type handgun the manufacturer will be put to the expense of proving at trial by expert testimony that the gun falls outside the opinion's loosely defined class of Saturday Night Specials."

Finally, the Court of Appeals' fundamental basis for its ruling, that "Saturday Night Specials" are regularly used in crime, was refuted by the amici.

The brief relied on experts in the field of criminology and their studies of criminals and gun use to counter the court's assertions.

Professor David Bordua: "Since the number of Saturday Night Specials (however defined) that have been sold enormously exceeds the amount of gun

crime even in ghetto areas, the vast majority of these weapons cannot be being used in crime."

Professor James Wright: "Every rigorous American study of gun crime has shown that the majority of crime guns are not Saturday Night Specials."

"There are just not enough criminals in the United States to account for the purchasing of a majority of the Saturday Night Specials produced."

"Our recent survey of felony convicts ... finds them giving reliability, accuracy, firepower, and high quality in general, as their primary criteria for gun desirability."

The amici concluded that there was no basis for the court's statements that most Saturday Night Specials are used for criminal activity or that they are "particularly attractive" to criminals.

The brief closed by posing some questions that had been raised by the ruling, but had not been answered by the Court of Appeals.

Asked the amici: "If cheap handguns were both unreliable and predominant as crime weapons (and the court said they are), would the best social policy response clearly be to make them unavailable so that at least some criminals would resort to more reliable weapons?"

The Court of Appeals apparently ignored that question and others as well as comprehensive studies and statistics in rejecting the motion for reconsideration, and opened the gates for a flood tide of product liability suits against the manufacturers of all handguns.

State Supreme Courts Hear Cases Affecting Gun Owners

TALLAHASSEE, Fla. — The Florida Supreme Court on Dec. 19 reversed a lower court's unanimous decision that Broward County's 1984 handgun referendum violated the state constitution.

The action paves the way for a 10-day waiting period and background check on handgun buyers throughout the South Florida county, while state pro-gun groups and the National Rifle Association will step up their efforts for Florida pre-emption.

The protracted legal case began in March 1984, when Broward County passed a referendum authorizing a county-wide gun control law. Under the referendum's provisions, municipal governments were barred from "opting out" of the measure as they had been allowed in the past.

Immediately after the March vote, Ft. Lauderdale attorneys Eugene Heinrich and Robert Cox challenged the referendum's legality under Florida's home rule doctrine for cities. Their claim, which was initially rejected by Circuit Court Judge Robert Able, was later upheld by a three-judge panel of Florida's Court of

Appeal for the Fourth District in a unanimous Oct. 10, 1984 ruling.

Broward County appealed that decision to the state high court, seeking to bind Ft. Lauderdale, Sunrise, Plantation, Dania, Pompano and other pro-gun cities — which had rejected the anti-gun measure — to the county's waiting period.

In its December ruling, the Florida Supreme Court said that counties could pre-empt city governments in the area of handgun control, which the court said "will best further the ends of government."

The court likened gun control to municipal "services" such as water and pollution control, parks and recreation, zoning and police.

State pro-gun organizations, led by the United Sportsmen of Florida, said the state high court's ruling would increase their efforts for passing a pre-emption bill in the Florida Legislature. Such a measure would bring uniformity to Florida's gun laws, prohibiting a myriad of county restrictions such as waiting periods in Broward and Dade counties.

VIRGINIA BEACH, Va. — The Virginia Supreme Court will decide this month whether to hear a legal appeal that attempts to overturn a law requiring city residents to obtain permits to purchase handguns.

The appeal is the result of a May 1985 decision by the Circuit Court for the City of Virginia Beach that upheld the permit law. The City Council passed the permit ordinance in 1982.

The appeal, filed by National Rifle Association Assistant General Counsel Richard E. Gardiner, argues that under state law only certain counties — and no cities — are permitted to enact handgun permit-to-purchase schemes.

Citing Virginia's Dillon rule, which provides that local governing bodies may not enact legislation unless granted permission by the state Legislature, Gardiner maintained that the General Assembly has not granted Virginia Beach permission to enact a gun ordinance.

In the May ruling upholding the gun ordinance, Circuit Court Chief Justice Henry L. Lam stated "... the Dillon rule does not invalidate the ordinance In our cities we live in a heavily structured

society. While preserving individual freedom as best we can, the dense population of our urban areas has caused the adoption of many additional laws deemed necessary to adjust to crowded living conditions."

Lam's opinion dissented from a 1983 non-binding opinion issued by then-state Attorney General Gerald L. Baskies that said the permit-to-purchase requirement was illegal.

The petition to appeal the Circuit Court's decision states "The Circuit Court has plainly concluded that the Dillon rule does not apply to densely populated urban areas. For this novel proposition, no authority has been cited. Rather the Circuit Court apparently has concluded that the Dillon rule is outdated and has no application to modern urban jurisdictions. The Dillon rule ... is not a rule that a Circuit Court may, in some instances, refuse to apply."

Under Virginia law, only counties with a density of population of more than 1,000 per square mile have the power to enact handgun ordinances. Currently only Arlington and Fairfax counties fall into that category.

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The NRA Voluntary Practical Firearms Program teaches safe gun handling, the basics of marksmanship, firearms and the law and how to avoid criminal attacks

Practical Firearms Program: Training for Self-Protection

By Katie O'Rourke
NRA Public Education

WASHINGTON—The National Rifle Association announced in January that more than 250,000 people, the majority of whom are women, have completed the organization's Voluntary Practical Firearms Program (VPFP).

The VPFP, created in 1983 by a coalition of experts in law enforcement, personal security and marksmanship, was developed in response to thousands of requests NRA received from women and older people for an effective self-protection program.

According to the program's national coordinator, Katie Maguire, more than 26 million women in America either own or have access to guns. "Women have adopted lifestyles independent of male protectors and are using guns for self-defense instead of relying on passive

resistance. Women are buying guns and learning how to use them," Maguire said.

The nine-hour VPFP course covers a wide range of subjects including shooting and firearm safety; handgun basics; and the care, cleaning and storage of guns. Additionally, local experts in the fields of law enforcement and self-protection teach classes in firearms and the law, and avoiding criminal attacks.

More than 10,000 classes are conducted annually by 5,000 NRA-certified instructors throughout the country. The cost of the course ranges from \$5 to \$10 to cover the cost of the materials and it is not necessary to own a gun to attend the course.

For further information, contact Kathleen Maguire, NRA Education and Training, 1600 Rhode Island Avenue, N.W., Washington, D.C. 20036 (202) 828-6259.

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

GCC# 9542

Callan

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

January 23, 1986

Mr. Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2115

Dear Mr. Steele:

In accordance with section 111.6(a) of title 11, Code of Federal Regulations, I submit this response on behalf of Handgun Control, Inc. ("HCI") to the complaint dated December 17, 1985, from the National Rifle Association of America ("NRA").

NRA is abusing the complaint process authorized by the Federal Election Campaign Act of 1971 ("the Act"). Not only should NRA's complaint result in no action being taken against HCI, there being no reason to believe that HCI has committed a violation, but NRA should be fined for violating section 437g(a)(12)(A) of title 2, United States Code, and section 111.21(a) of title 11, Code of Federal Regulations, by touting the unfounded allegations in its complaint as if true in the January 15, 1986, issue of MONITOR, an "official publication" of the NRA Institute for Legislative Action.

I. NRA COMPLAINS ABOUT HCI MEMBERSHIP PRACTICES THAT WERE RESOLVED
IN AND ARE GOVERNED BY THE CONCILIATION AGREEMENT

NRA admits on page 1 of its complaint that it is seeking to raise settled issues regarding HCI and its members. Letter from Janet K. Sherer to Charles N. Steele (dated Dec. 17, 1985) ("NRA 1986 Complaint") 1 n.1. On July 16, 1984, the Commission and HCI entered into a Conciliation Agreement to govern HCI's membership practices. That agreement is a "complete bar" to further action on these issues unless violated. See 2 U.S.C. 437(a)(4)(A)(i) (1982). Last year, NRA unsuccessfully complained that HCI was violating the Conciliation Agreement. Letter from Janet K. Sherer to Charles N. Steele (dated Jan. 28, 1985) ("NRA 1985 Complaint")

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(MUR 1891). This year NRA conspicuously disregards the Conciliation Agreement in its attempt to create a collateral challenge to the Commission's prior resolution of these matters.¹

NRA concedes that its newest complaint is an attempt to second-guess the Commission's Conciliation Agreement with HCI rather than a claim that HCI has violated this controlling agreement:

An earlier FEC directive ordered HCI to revamp its membership structure by assigning specific membership rights to individuals in order to make solicitations for political contributions. NRA's complaint charges that while HCI complied with the directive, it is not yet in compliance with federal law because it has not granted sufficient membership rights to supporters and has continued to solicit political contributions.

MONITOR Jan. 15, 1986, at 1 col. 3 (emphasis added) (a copy of this issue of MONITOR is attached as an exhibit to the Affidavit of Charles J. Orasin). Having failed to engender a justiciable controversy in two previous attempts, NRA takes another shot.

The July 16, 1984, Conciliation Agreement provides in section VII that HCI shall establish, as a requirement for membership, a predetermined minimum amount of dues or contribution and that rights of membership in HCI shall include the right to participate in annual meetings and to elect a Director to HCI's Governing Board.

In fact, each of these provisions is being satisfied by HCI. On August 2, 1985, HCI amended its By-Laws to provide that its members must contribute no less than \$15 to the organization every two years, HCI By-Laws art. VI, para. 1, see exh. 1 to NRA 1986 Complaint; that members had the right to nominate and vote for a Director, designated the Member-at-Large, HCI By-Laws art. IV, para. 5(c)-(e), see exh. 1 to NRA 1986 Complaint; and that a meeting of the members is to take place each June, HCI By-Laws art. IX, see exh. 1 to NRA 1986 Complaint.

A. HCI Members Had And Exercised Their Right To Participate In HCI's Annual Meeting

The NRA concedes that HCI held an annual meeting of its members on June 22, 1985, see exh. 3 to NRA 1986 Complaint, but complains that it was insufficient. The meeting was attended by HCI members

¹NRA's excuses for not yet having obtained "judicial review" of HCI's By-Laws, amended in compliance with the Conciliation Agreement, are incorrect both factually--HCI submitted its amended By-Laws to the Commission within the 30-day period provided by the Conciliation Agreement--and legally. See 2 U.S.C. 437g(a)(8)(A) (1982).

from across the country. It included reports and discussions of HCI's plans and workshops on the activities of the members and the organization. Members were encouraged to participate, to suggest ways to improve HCI's effectiveness and to share their views with their officers, employees and Directors regarding the fight for tougher handgun laws and the future of HCI. Participants discussed, debated and planned the business of their corporate organization--effective advocacy of sensible handgun control policy.

The District of Columbia Nonprofit Corporation Act, D.C. Code Ann. 29-501 et seq. (1981), does not require any particular agenda for annual meetings. See id. 29-514. Unlike corporations organized for profit, HCI was established on a nonprofit, non-partisan basis to promote social welfare by working for reasonable and practical measures to control handguns and the violence and misery associated with them. Nonprofit corporations operate under a distinct set of rules from business corporations in recognition of their different purposes and the contrasting objectives and contributions of their respective memberships. Indeed, the law governing nonprofit corporations in the District of Columbia does not require that members of nonprofit corporations be entitled to vote as a right of membership. Under local law, the presumption is quite the opposite: "Members shall not be entitled to vote except as the right to vote shall be conferred by the articles of incorporation." Id. 29-516(a) (emphasis added). The District of Columbia would allow directors to be possessed of "sole voting power" and have "all of the authority" of the organization. Id. 29-516(d).

HCI did not need to employ Robert's Rules of Order or the Cushing Manual of Parliamentary Procedure to conduct an appropriate annual meeting. Nor need it allow NRA to set its agenda. As the accompanying Affidavits establish, the meeting fulfilled HCI's commitment under the Conciliation Agreement to provide a right and opportunity for members to participate in an annual meeting. Not only were members "entitled to participate" in the annual meeting, as the Chairman of the HCI Governing Board observed in his March, 1985, message urging members to do so, exh. 2 to NRA 1986 Complaint at 8, their active involvement was encouraged before, during and after the all-day meeting. This candid and open 14-hour series of formal reports and informal discussions involved participating members in fundamental issues affecting their organization. It fully met the requirement of the Conciliation Agreement and far exceeded the requirements of the law of the District of Columbia.

**B. HCI Members Have Elected A Member-at-Large
To The Governing Board**

Contrary to NRA's assertion, the HCI By-Laws establish an appropriate procedure for members to elect directors. The law of the District of Columbia expressly contemplates that election of directors by members "may be conducted by mail." D.C. Code 29-516(b). Local law provides that directors of nonprofit corporations are to be elected or appointed in accordance with the organization's articles and by-laws. Id. 29-516(b). Thus, elections of directors of nonprofit corporations are not required to be held at annual meetings.

Further, the procedure established in subparagraphs (b)-(e) of paragraph 5 of article IV of HCI's amended By-Laws was reviewed and approved by the Commission last year.² The election by the members of a Director to HCI's Governing Board proceeded in accordance with procedures necessitated to ensure that pro-gun activists would not sabotage the election, see exh. 2 to NRA 1986 Complaint at 8, and resulted in the election of the Honorable John Corderman, Judge of the Maryland Circuit Court, see exh. 3 to NRA 1986 Complaint at 3.

C. HCI Is A Corporation Without Capital Stock That Solicits Its Members For Voluntary Contributions

Finally, NRA renews its perennial claim that HCI solicited persons not members because HCI in NRA's view cannot and should not have members. The only support NRA offers for this charge is a copy of HCI's September 21, 1985, letter to Clyde M. Remmah of Tallahassee, Florida. Mr. Remmah has been contributing to HCI since 1980 and contributed \$15 in February, 1985. By his contributions Mr. Remmah has fulfilled this Commission-approved requirement for membership in HCI. If Mr. Remmah wishes not to respond to the September, 1985, request for additional financial support to HCI or HCI-PAC, that is his choice. Indeed, if he wishes to withdraw from membership, he is free to notify HCI and his name will be removed from HCI's membership rolls. But his solicitation is no basis for the Commission to form a reason to believe that HCI has not complied with its Conciliation Agreement and the requirements of the Act.

II. HCI DID NOT MAKE CORPORATE CONTRIBUTIONS TO FEDERAL CANDIDATES

In the last section of its latest complaint NRA seeks to misconstrue reports filed by the Handgun Control, Inc. Political Action Committee ("HCI-PAC") in 1984. The original error by HCI-PAC's former accountant in processing disbursements from HCI-PAC to compensate HCI for HCI-PAC's in-kind contribution of mailing lists to certain candidates was corrected upon its discovery in January, 1985. These payments are properly reported on HCI-PAC's mid-year 1985 filing with the Commission.

NRA is all too eager to pounce on this long since corrected error and to conjure up pernicious arrangements and maneuverings where none existed. This matter was promptly corrected by HCI-PAC almost one year ago and the matter is closed.

That the NRA, its lobbying arm and separate segregated fund are currently being charged with an extensive pattern and practice of

²With respect to these sets of NRA contentions, the General Counsel concluded its review of the By-Law provisions for an annual meeting and the election to the Board of a Member-at-Large by declaring: "[I]t appears that HCI has satisfactorily established rights of participation in the organization's affairs for those deemed members of the corporation." MUR 1891, General Counsel's Report 4-5.

violating section 441b(a) of title 2, United States Code, is not without significance. Federal Election Commission v. National Rifle Association of America, Civil Action No. 85-1018 (D.D.C. Mar. 29, 1985). Unlike the NRA case, HCI did not advance funds in violation of the statutory prohibition against corporate contributions. HCI-PAC made and reported its own contributions. It did not knowingly conceal or falsely report anything. The follow-through on the HCI-PAC disbursement to HCI for the value of HCI-PAC contributions was honestly made and reported. NRA seeks to project onto HCI-PAC's innocent conduct the violative pattern with which the FEC charges NRA, but the suit does not fit.

III. NRA HAS VIOLATED HCI'S RIGHT TO CONFIDENTIALITY

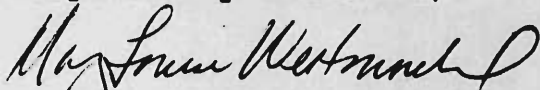
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The NRA's 1986 complaint is the latest in a series it has filed to harass HCI and to distract it from its mission to help keep handguns out of the wrong hands. That NRA's allegations are unfounded has already been shown. Such periodic renewal of NRA contentions "on information and belief" that HCI, its rival in the political debate on handgun legislation, is not complying with the Act has this year moved beyond an unsavory tactic to an abuse of process. Barely had HCI received notification of the complaint from the Commission before NRA had begun publicizing its latest volley. In derogation of HCI's rights to confidentiality regarding such charges, NRA published a front-page article about its complaint in MONITOR. Its article is all the more egregious for stating first that HCI acted illegally and only later noting that the conclusion is based on charges NRA itself had recently filed and which had not been determined by the Commission to evidence any violation.

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HCI has not consented to the public disclosure of the complaint or notification. HCI had not been accorded even a 15-day opportunity to demonstrate that no action should be taken on the basis of NRA's complaint before NRA published its allegations as if statements of fact. NRA's publication violates both the Act and the Commission's regulations. 2 U.S.C. 437g(a)(12)(1982); 11 C.F.R. 111.21 (1985). See H.R. Rep. No. 422, 96th Cong., 1st Sess. 22-23, reprinted in U.S. Code Cong. & Ad. News 2860, 2882-83. NRA should be sanctioned to the fullest extent the law allows for its knowing and willful violation of HCI's rights and the Commission's protective procedures.

CONCLUSION

WHEREFORE, for all the reasons set forth above and the grounds submitted in connection herewith, HCI requests that (1) NRA's December 17, 1985, complaint result in no action being taken against HCI, there being no reason to believe HCI has committed a violation of the Conciliation Agreement or the Act; and (2) the Commission fine NRA \$5,000 for the willful violation of HCI's rights to confidentiality.

Respectfully submitted,



Mary Louise Westmoreland
General Counsel

86040595027

Affidavit

City of Washington }
District of Columbia } ss:

Charles J. Orasin being duly sworn deposes and says:

1. I am currently the Executive Vice President of Handgun Control, Inc. ("HCI"), a corporation without capital stock organized and existing under the District of Columbia Nonprofit Corporation Act. HCI's address is 1400 K Street, N.W., Suite 500, Washington, D.C. 20005. I am also a Director of HCI and as such a member of its Governing Board.

2. On June 22, 1985, HCI held its annual meeting of members in Washington, D.C.

3. The meeting was attended by members from across the country, including members from as far away as Seattle, Washington; Baton Rouge, Louisiana; Cleveland, Ohio; Chicago, Illinois; Westwood, Massachusetts; Syracuse, New York; and Old Greenwich, Connecticut.

4. The meeting began at approximately 8:00 a.m. on June 22, 1985, and did not conclude until approximately 10:00 p.m. that night.

5. The written materials prepared for and used at the meeting encouraged members to participate actively in the meeting. Included among these materials were a Conference Evaluation form, a copy of which is attached hereto as Exhibit A, and a participation form styled "Your Participation as a Handgun Control Member," a copy of which is attached hereto as Exhibit B.

6. In my remarks at the meeting in my capacity of Executive Vice President, I urged members to use the participation form and be actively involved in the meeting. I noted that members' questions, comments and suggestions would form the basis for a roundtable discussion with the Chairman of HCI's Governing Board later in the meeting.

7. I introduced HCI's staff and encouraged members to discuss their concerns with members of the Governing Board and HCI's staff.

8. The meeting included workshop discussions of how HCI and its members can work effectively with the media and legislative bodies and of how HCI and its members can facilitate their activities through boosting membership, fund-raising and grassroots organizing. All discussions were open to the membership and they were encouraged to participate.

9. In the late afternoon the Chairman of HCI's Governing Board did chair a lively discussion of members' comments and suggestions taken from their participation forms.

10. Discussions among members, directors and HCI staff continued through both lunch and dinner.

11. Following the meeting, HCI reviewed both sets of member comments from the evaluation and participation forms.

12. The Governing Board was presented with a report on the responses to the participation forms.

13. In accordance with HCI's By-Laws, Judge John Corderman has been elected to HCI's Governing Board by a vote of the membership.

14. I have reviewed HCI's membership rolls. HCI records indicated that a Clyde M. Remmah of Tallahassee, Florida, contributed \$15 to HCI in February, 1985.

15. HCI members who wish to withdraw from membership may do so by advising HCI that they no longer wish to be considered an HCI member and HCI removes their names from our membership rolls.

16. To the best of my knowledge, information and belief, Clyde M. Remmah has been an HCI member since 1980 and has not requested to withdraw from HCI membership.

17. In 1984, I was Treasurer of Handgun Control, Inc. Political Action Committee ("HCI-PAC").

18. In 1984, HCI-PAC made in-kind contributions of mailing lists to federal candidates and reported such contributions on its Commission reports.

19. In January, 1985 while still Treasurer of HCI-PAC, I became aware that the disbursements to HCI for the fair market value of HCI-PAC's in-kind contributions had not been paid.

20. I discussed this matter with Anthony Raymond of the Commission's Reports Analysis Division.

21. Consistent with my discussion with Commission staff, HCI-PAC promptly proceeded to make its disbursements to HCI and to report its disbursements on its next report to the Commission. HCI-PAC never attempted to conceal these in-kind contributions.

22. To the best of my knowledge, information and belief HCI-PAC's reporting of its in-kind contributions and of its disbursements in connection therewith have been both truthful and timely.

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23. Attached as Exhibit C hereto is a copy of the January 15, 1986, issue of MONITOR. In its "At a Glance" section on the cover page and in an article on page 1, the National Rifle Association, the NRA Institute for Legislative Action and unknown persons affiliated with them report on the pending NRA complaint against HCI.

24. HCI has not consented to the public disclosure of the pending NRA complaint against HCI or of its pendency. HCI has not notified the Commission in writing that it wished this matter to be made public.

25. On behalf of HCI and in my capacity as HCI Executive Vice President I bring to the attention of the Commission my belief that NRA, NRA's Institute for Legislative Action and other persons unknown have violated the provisions of the Federal Election Campaign Act of 1971 and the Commission's regulations providing for confidentiality, in particular, 2 U.S.C. 437g(a)(12)(1982) and 11 C.F.R. 111.21(1985).

Dated: January 23, 1986

Charles J. Orasin
Charles J. Orasin

Subscribed and sworn before me this 23rd day of January, 1986.

My Commission Expires March 14, 1989

Karen G. Scott

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CONFERENCE EVALUATION

Your participation in the first Handgun Control Conference is greatly appreciated. To help us make subsequent Conferences even better, please take a few moments to answer the following questions:

Using a scale of 1 to 5 (1=excellent, 5=poor), please place a rating in each box:

	Content	Effectiveness of Presentation	Handouts and Materials
Media			
Fund Raising			
Leg./Lobbying			

Please add comments and/or questions on specific workshops:

Media: _____

Fund Raising: _____

Leg./Lobbying _____

Please check where appropriate:

- ☐ I would have preferred a shorter Conference (one afternoon)
- ☐ I would have preferred a longer Conference (2-days)
- ☐ This Conference should be repeated in different locations across the country twice each year.
- ☐ Handgun Control should continue to have one Conference every year, but in a different location each year.
- ☐ I would like to attend the Conference next year. Please send me information when it is available.
-

Please let us know if you would like to participate in the following Handgun Control activities by filling out this portion of the evaluation.

Name _____

Address _____

Daytime telephone number (____) _____

Please check areas of interest:

☐ Media

☐ Fund Raising

☐ Grassroots Lobbying

Please drop this in the questionnaire box at the back of the room.

EXHIBIT A

YOUR PARTICIPATION AS A HANDGUN CONTROL MEMBER

Handgun Control would like to take this opportunity to hear your opinions on the handgun control issue and what you think of Handgun Control, Inc. Please take a few moments to answer the following questions. Your answers will be presented to the Handgun Control Board of Directors for their consideration at their next meeting.

1. Are there additional projects you would like to see Handgun Control undertake? _____

2. Are you satisfied with the information you receive from Handgun Control (the Washington Report, Insider, etc.)? _____

3. Do you have suggestions for our entire program? _____

4. Do you have a specific question you would like to see Pete address in the Roundtable session this afternoon? _____

5. Please rank the following in the order you believe to be the most important to Handgun Control, Inc:

_____ A national waiting period for handgun purchases

_____ Banning cop-killer bullets

_____ Mandatory sentences of five years when a handgun is used in a crime

_____ Encouraging states to pass laws requiring a license to carry a handgun

_____ Closing the parts loophole in the 1968 Gun Control Act.

_____ Stopping the National Rifle Association

_____ Other _____

Please use the back of this page for additional comments or suggestions.

EXHIBIT B

Drop this questionnaire in the box on the registration table by 12:30pm --
Thanks!

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Affidavit

City of Washington }
District of Columbia } ss:

Luke W. Cole being duly sworn, deposes and says:

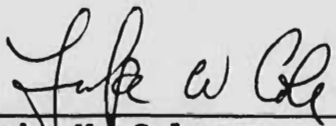
1. I am a member of Handgun Control, Inc. ("HCI").
2. I first joined HCI in February, 1983, and since then have continued to renew my membership, most recently in June, 1985.
3. On June 22, 1985, I participated in HCI's annual meeting "The Handgun Control Conference" in Washington, D.C.
4. I attended this meeting because I wanted (a) to learn more about how I could play a role in encouraging the passage of legislation to keep handguns out of the wrong hands; (b) to meet with the directors, officers and staff of HCI to discuss my concerns and suggestions for HCI's program; and (c) to meet and exchange ideas with other HCI members.
5. During the 14 hour meeting, other HCI members and I participated in workshops on how HCI and its members work with the media and the Congress, how HCI raises funds and how HCI membership is involved in grassroots lobbying efforts.
6. At each of these workshops, HCI members asked questions, and made suggestions. This valuable interactive process included discussions among the membership of HCI's policies (For example, I recall a lively debate over what HCI's position should be concerning stun guns).
7. All participants at the conference were encouraged to fill out forms soliciting their opinion of what HCI's program and priorities should include and their evaluation of the annual meeting and how it might be improved. In addition, the forms asked whether the member had any specific question he would like to have HCI's Chairman Pete Shields address.

8. The afternoon portion of the program concluded with a "Roundtable" discussion wherein Chairman of the Governing Board of HCI, Pete Shields responded to these questions from members.

9. My participation in the June 22 meeting made me a better informed advocate of HCI's objective of keeping handguns out of the wrong hands. Since then I have continued to communicate with HCI members I met at the Conference about keeping handguns out of the wrong hands.

10. It is my belief that the other participants at the meeting share my conclusion that the meeting provided a useful forum for the leadership of HCI to obtain guidance from its membership and for the membership to learn from HCI staff how to advance the business of HCI.

Dated: Jan. 23, 1986

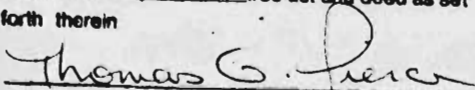

Luke W. Cole

Subscribed and sworn to before me this 23rd day of January, 1986.

District of Columbia:

On this 23RD day of JAN. 19 86 before me
appeared LUKE W. COLE

who acknowledged the execution of the foregoing
instrument as HIS free act and deed as set
forth therein



Thomas G. Pierce, Notary Public
My Commission expires 11-15-88

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HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

GOV # 9438
RECEIVED AT THE FEC

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January 17, 1986

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Gross:

This is to acknowledge your letter of January 2, received on
January 9 re: MUR 2115.

Please find attached a designation of counsel.

Sincerely,

Charles J. Orasin

Charles J. Orasin
Executive Vice President

CJO/vbf

Enclosure

86 JAN 21 4 11:30

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2115

NAME OF COUNSEL: Mary Louise Westmoreland

ADDRESS: 1400 K Street, N.W., Suite 500
Washington, D.C. 20005

TELEPHONE: 898-0792

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1-17-86
Date

Charles J. Orasin
Signature

RESPONDENT'S NAME: Charles J. Orasin

ADDRESS: Handgun Control, Inc.
1400 K Street, NW Suite 500
Washington, DC 20005

HOME PHONE: (703) 281-2754

BUSINESS PHONE: (202) 898-0792

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FOR A SAFER
AMERICA



HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

Handgun Control Inc., 1400 K Street N.W., Suite 500, Washington, D.C. 20005 • (202) 898-0792

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

86 JAN 21 8:52

NOV 21 1982



**NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036**

OFFICE OF THE
GENERAL COUNSEL

December 17, 1985

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Dear Mr. Steele:

Pursuant to 2 USC 437(g) and 11 CFR 111.4(a), I request that you investigate this complaint alleging that Handgun Control, Inc. (HCI) and/or its separate segregated fund, Handgun Control, Inc. Political Action Committee (HCI-PAC), 1400 K Street, N.W. Washington, D.C. 20005, has solicited contributions in violation of 2 USC 441b(4), has made corporate contributions in violation of 2 USC 441b, and has knowingly entered false information on its reports to the FEC in violation of 18 USC 1001. This complaint is filed on behalf of the National Rifle Association (NRA), 1600 Rhode Island Avenue, Washington, D.C. 20036.^{1/}

I. HCI-PAC IS A CORPORATE PAC

HCI-PAC is a corporate political action committee within the meaning of 2 USC 441b(b)(2)(C). It has identified Handgun Control, Inc. (HCI), a corporation without capital stock, as its connected organization on its statement of organization on file

1/ The allegations set forth in Section II of this complaint are being brought at this time since the NRA was unable to seek judicial review of the changes to HCI's By-laws which resulted from the complaint NRA filed with the Commission on December 2, 1983 (MUR 1604). NRA was unable to seek judicial review since HCI did not provide the Commission its amended By-laws within 60 days of NRA's receipt of the Commission's July 16, 1984 letter concluding MUR 1604. Judicial review of NRA's complaint of January 28, 1985 (MUR 1891) was not possible since that complaint alleged only that HCI failed to comply with the Conciliation Agreement entered into in MUR 1604 and the Commission, as a party to the Agreement, concluded that the Agreement had been complied with.

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GENERAL COUNSEL

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with the Federal Election Commission.

II. HCI-PAC HAS SOLICITED INDIVIDUALS OTHER THAN HCI'S EXECUTIVE AND ADMINISTRATIVE PERSONNEL OR MEMBERS AS DEFINED IN 2 USC 441b(b)(4) BECAUSE HCI IS NOT A MEMBERSHIP ORGANIZATION

1) 2 USC 441b(b)(4)(A)(i) states that a corporation, or a separate segregated fund established by a corporation, may only solicit contributions to such a fund from its stockholders and their families and its executive or administrative personnel and their families. An exception to this prohibition appears in §441b(b)(4)(C) whereby a corporation without capital stock may solicit contributions to the fund from members of the corporation without capital stock.

2) The term "member" is defined at 11 CFR 114.1(e) as all persons who are currently satisfying the requirements for membership in a corporation without capital stock.

3) This absence of express statutory definition has required the Supreme Court of the United States to interpret the term "member" in Federal Election Commission v. National Right to Work Committee, 103 S.Ct 552 (1982) (NRWC). In that case, the Supreme Court held that the meaning of the word "member" may be determined by reference to, inter alia, the laws of the state of incorporation. Moreover, the Court noted that Congress' intent could be determined by analogizing members of non-profit corporations to stockholders of business corporations, stating that "some relatively enduring and independently significant financial or organizational attachment is required to be a member under §441(b)(4)(C)." 103 S.Ct. at 557. The attributes of membership that make up an "independently significant . . . organizational attachment" include inter alia: the ability to participate in the operation or administration of the corporation; regularly scheduled membership meetings at which the business of the organization is conducted; receipt of membership cards; receipt of regular publications or newsletters; and the ability to control the expenditure of their dues and contributions.

4) Upon information and belief, pursuant to the requirement of D.C. Code §29-514(b), the Bylaws of HCI state: "A meeting of the members shall take place in June of each year, at a time and a place to be designated by resolution of the Governing Board." HCI By-laws, Article IX. See Exhibit 1, page 3.

5) The By-laws of HCI do not establish any right to participate in this meeting nor was there any such right established prior to the solicitation of September 20, 1985, in that there is no requirement that any business of any sort be conducted at the annual meeting. Such right should exist since stockholders of business corporations -- to which the Supreme

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Court analogized members of non-profit corporations -- have the right to conduct the business of the corporation by participating in an annual meeting of stockholders.

6) Upon information and belief, the "meeting of the members" held pursuant to Art. IX of HCI's Bylaws took place on June 22, 1985 in Washington D.C., see Exhibit 2 page 8, and was entitled "The Handgun Control Conference."

7) Upon information and belief "The Handgun Control Conference" was not an "annual meeting" as that term is contemplated by D.C. Code §29-514(b).

8) An "annual meeting" is held to conduct the business of the organization; e.g. presentation of minutes, elections of officers and directors, reports on and discussion of the organization's plans and finances, amendment of bylaws, passage of resolutions, presentation of committee reports. Methods for holding and conducting meetings are almost always provided in the bylaws.^{2/} Entire books are devoted to the "system of conducting business, and . . . rules to govern their proceedings. . ."^{3/}

9) By HCI's own admission, the conference was only "designed to show members and activists how they can become more involved in the fight for tougher handgun laws, featured workshops and lectures on the handgun issue in America" See Exhibit 3, page 3. HCI's "election of directors" took place prior to the conference by mail ballot. See Exhibit 2, page 7.

10) HCI's By-Laws do not establish a procedure for its "members" to control the organization by electing directors as implicitly contemplated by the FECA and by the Supreme Court's analogy of members of non-profit corporations to stockholders of business corporations.

11) Article IV of HCI's By-Laws requires a nominating committee, which is composed of current HCI Board Members only, to select the names of a minimum of 2 people to be presented to the "membership" in order for that "membership" to choose one of

^{2/} A typical bylaw provision referring to the Order of Business at an annual meeting reads: "The following shall be the regular order of business at all meetings of the members: 1) Roll Call; 2) Approve minutes of previous meeting; 3) Reports of officers; 4) Fill vacancies and conduct prescribed elections; 5) Reports of committees and committee resolutions; 6) Special Orders; 7) Unfinished business and General Orders; 8) New business; 9) Resolutions."

^{3/} Roberts Rules of Order 1983 Edition with Modern Guide and Commentary by Rachel Vixman Pyramid Reference p. 21

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the names. Other than to be nominated by the Board-controlled nominating committee, there is no procedure by which a person may be placed upon the ballot in that there are no provisions made for a petition process or for write-in candidates. In effect, then, the By-Laws, by only allowing the "membership" the right to select someone who has been pre-selected by the Board, continue the existence of a self-perpetuating Board, none of the members of which are chosen by a genuine election. Moreover, as a result of the Governing Board's power to remove any director without cause, the Governing Board is even allowed to remove the preselected candidate chosen by the "membership." Thus, if the preselected candidate is, among the nominated candidates, the least popular with the Governing Board, the Board may wholly negate the "election" by removing the one "elected" Board member. Clearly, the entire process established by Article IV does not constitute an election of the type implicitly contemplated by the FECA and by the Supreme Court in analogizing members of non-profit corporations to stockholders of business corporations.

12) Upon information and belief, HCI solicited persons who were not members of HCI by a letter dated September 20, 1985. See Exhibit 4.

III. HCI MADE A CORPORATE CONTRIBUTION IN CONNECTION WITH A
FEDERAL ELECTION AS PROHIBITED BY 2 USC §441b

HCI-PAC KNOWINGLY ENTERED FALSE INFORMATION ON SEVERAL OF
ITS 1984 REPORTS TO CONCEAL HCI'S CORPORATE CONTRIBUTION

1) In HCI-PAC's 1984 reports, specifically the April 15 Quarterly Report, the July 15 Quarterly Report, the October 15 Quarterly Report, and the Twelfth Day Report preceding the General Election, the schedules submitted as explanation for line 20 of the Detailed Summary Page (Page 2, FEC Form 3) indicate that HCI-PAC made in-kind contributions of its donor/non-donor list to certain candidates running for federal office.

2) On HCI-PAC's July 31 mid-year report for 1985, Schedule B reflects payments to Handgun Control, Inc. "to reimburse for in-kind contributions reported during 1984 (see attachments)." The attachments refer to the in-kind contributions outlined in the above paragraph.

3) Upon information and belief, HCI made the in-kind contributions set forth in the reports listed in Paragraph 1 to

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candidates running for federal office, in violation of 2 USC 441b.^{4/}

4) Upon information and belief, HCI-PAC knowingly concealed the fact that HCI unlawfully made in-kind contributions by falsely reporting, in the reports listed in paragraph 1, that the lists were in-kind contributions from HCI-PAC, in contravention of 18 USC 1001.

CONCLUSION

Handgun Control, Inc. has unlawfully solicited contributions to HCI-PAC from individuals who are not members of HCI within the meaning of the Federal Election Campaign Act of 1971 as amended.

HCI has unlawfully made corporate contributions to candidates running for federal office.

HCI-PAC unlawfully concealed HCI's corporate contributions by reporting that HCI-PAC had made the in-kind contributions.

Sincerely yours,

THE NATIONAL RIFLE
ASSOCIATION OF AMERICA

BY: Janet K. Scherer
Janet K. Scherer, Esq.
Assistant General Counsel

District of Columbia, ss

Subscribed and sworn to before me this 18th of December, 1985.

Karen B. Dempsy
Notary Public
My Commission Expires April 30, 1989

4/ In a letter dated January 31, 1985 to the FEC, the treasurer of HCI-PAC attempts to explain why the reports indicate that the in-kind contributions originated from HCI-PAC by stating "The individual charged with processing the list orders failed to bill the PAC." This admission of the existence of a corporate contribution raises more questions that it purports to answer. For example, if this was only a mere failure to bill HCI, why did HCI-PAC report it as an in-kind contribution?; how did HCI-PAC know the amount to report as a contribution if it was, in fact, not billed by HCI?; who transmitted the lists to the candidates, HCI or HCI-PAC?; what prior agreement existed between HCI and HCI-PAC concerning the use of the list?; is it credible that there was a failure to bill the PAC on thirteen separate occasions?

CONSENT-IN-LIEU OF A SPECIAL MEETING
OF THE GOVERNING BOARD
OF HANDGUN CONTROL INC.

WHEREAS, the undersigned constitute all of the Governing Board of HANDGUN CONTROL INC., a nonprofit corporation organized under the laws of the District of Columbia.

NOW, THEREFORE, BE IT RESOLVED, that the bylaws be, and hereby are, amended, modified and altered as follows:

Paragraph 5 of Article IV shall be deleted in full and replaced with the following:

5. Election of Directors

(a) In general. All the Directors save one shall be elected by a majority of the Governing Board in office by a vote which may be taken at a meeting or by mail. One Director (the Member-at-Large) shall be elected pursuant to subparagraphs(c) and (d) hereof.

(b) Nominating Committee. The Nominating Committee shall be composed of the President and two (2) to four (4) Members who shall be appointed by the President.

(c) Nominations. The Governing Board shall annually designate a date for the election of the Member-at-Large (the Election Date). No later than 60 days before the Election Date, the President shall give notice thereof to the Members and shall solicit the nomination of candidates for Member-at-Large during such period as shall be specified in the notice. The Nominating Committee shall select as candidates no fewer than two persons so

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nominated, provided that such persons shall be Members in good standing and shall, in the Nominating Committee's discretion, have demonstrated their commitment to the organization's governing principles and be otherwise qualified.

(d) Election. No later than 20 days before the Election Date, the President shall give notice to the Members of the candidates selected pursuant to subparagraph (c) hereof and shall provide the Members with ballots for voting by mail. The candidate who shall receive the greatest number of votes shall be elected.

(e) Notice. Notice, as provided in this section, shall be mailed to each Member at his address as it appears on the most current membership list of the organization. Such notice shall be deemed given when deposited in the United States mail, with postage prepaid thereon.

The following paragraph 6 of Article IV shall be added:

6. Removal. Any Director may be removed, with or without cause, by resolution of the Governing Board.

Former sections 6 through 9 of Article IV shall be redesignated and numbered sections 7 through 10.

Article VI shall be deleted in full and replaced with the following:

ARTICLE VI MEMBERS

1. A Member of HANDGUN CONTROL INC., shall be anyone who has contributed no less than 15 dollars to the organization within

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the last 24 months. A Member shall enjoy, among other rights, the right to nominate and vote for the Member-at-Large.

2. A Contributing Member shall be anyone who has contributed funds to the organization within the last 24 months if such funds shall be less than 15 dollars. A Contributing Member shall have the same rights as a Member except that a Contributing Member shall not have the right to nominate or vote as provided in paragraph 5 hereof.

The following Article IX shall be added:

IX. ANNUAL MEETING

A meeting of the Members shall take place in June of each year, at a time and place to be designated by resolution of the Governing Board.

IN WITNESS WHEREOF, we have hereunto set our hands:

DATE:

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Washington Report

Published by Handgun Control, Inc., 1400 K St., N.W., Suite 500, Washington, D.C. 20005

Barbara Lautman, Editor (202) 898-0792

Volume 11, No. 1 March 1985

Up Front

NRA's Open Season on Police

The National Rifle Association is moving quickly in the 99th Congress to ensure passage of its McClure-Volkmer Gun Decontrol Bill (S. 49 and H.R. 945). NRA lobbyists are also working to defeat the Biaggi-Hughes bill (H.R. 4), the new bill to ban cop-killer bullets. The NRA's Capitol Hill campaign places them in direct conflict not only with Handgun Control, but with the nation's law enforcement community as well. While the NRA-backed McClure-Volkmer bill would impede law enforcement efforts to fight violent crime, the NRA's opposition to cop-killer bullet legislation places our nation's police in continuing personal danger.

Two major police organizations—the International Association of Chiefs of Police and the Police Executive Research Forum—are already on record in opposition to provisions of the McClure-Volkmer bill. Police are justifiably concerned about the bill's potential impact on federal gun law. The purpose of the 1968 Gun Control Act was to support state and local law enforcement agencies in their fight against violent crime. But McClure-Volkmer would repeal many of the 1968 Act's key provisions. If passed, the bill would remove the centerpiece of existing law which prohibits the interstate sale of handguns. Because it would allow a resident of New York, for example, to purchase a handgun in Florida, it would seriously undermine police efforts to control illegal handgun trafficking. The bill would allow individuals to bring handguns into a state or community even if that locality's laws prohibited such transportation.

The NRA is pushing for a speedy vote on the McClure-Volkmer bill to avoid careful scrutiny of the legislation. They have arranged, through their champions in the Senate, to

have the bill held at the Majority Leader's desk where it could be called up for a vote at any time. Although Handgun Control has convinced several Senators to put "holds" on the bill, McClure-Volkmer may still go before the full Senate for a vote soon.

Handgun Control has been successful in stopping the McClure-Volkmer bill for the last five years. The NRA needs a victory on Capitol Hill, and despite police concerns, will attempt to get the bill through the Senate by late spring.

If NRA lobbyists are successful in getting their bill through the Senate, they will begin building momentum in the House. Although the bill's chances for passage are weaker on the House side, Handgun Control lobbyists are meeting with legislators to develop strategy and solidify opposition to the bill.

Prospects for a ban on cop-killer bullets are good, despite the NRA's opposition. In January, nine of the nation's largest police organizations (*The Federal Law Enforcement Officers Association, The International Association of Chiefs of Police, the International Brotherhood of Police Officers, The International Union of Police Associations, The National Association of Police Organizations, The National Sheriff's Association,*

See "Open Season" on page 2.

Legislative Alert

The McClure-Volkmer Gun Decontrol Bill (S. 49 & H.R. 945) is now on the Senate Calendar and may be called for a vote at any time.

Please write or call your Senators immediately and tell them that you oppose any effort to weaken our gun laws. Tell your Senators to vote against any provision which would allow interstate handgun sales.

Your letters and phone calls are vital if we are to stop the NRA's attack on our nation's gun laws.

You can write your Senators at the following

Inside Washington Report:

- The Handgun Information Center: A New Response to Handgun Violence
- Vote for a New Handgun Control Board Member
- Capitol Hill Report: Legislative Update

Open Season from page 1.

The National Trooper's Coalition, The Police Executive Research Forum, and the United Federation of Police) sent a letter to President Reagan, asking that he endorse a ban on the sale of cop-killer bullets. The NRA has already come out full force—with a mailing to Capitol Hill—against any ban on sales.

While pushing for passage of tougher handgun laws, Hand-

gun Control must also battle the NRA on these other important fronts during the next few weeks. NRA lobbyists will do all they can to ensure passage of the McClure-Volkmer bill and defeat cop-killer bullet legislation. Without strong opposition from Handgun Control, they may succeed. We need your help—today—to defeat the McClure-Volkmer bill. Please write to your Senators: the legislative alert on the front page will tell you what you can do to stop the NRA's assault on our nation's gun laws and help our police in the fight against handgun crime.

Capitol Hill Report

by Mary Louise Westmoreland,
General Counsel
and Legislative Director

Handgun Control is off to a good start in the 99th Congress. Many legislative challenges lie ahead in the next two years, but we will need your support to make steady progress in the U.S. Congress.

Last year, the NRA spent over \$1.3 million to elect members of Congress who will support their efforts to oppose reasonable handgun control legislation. NRA backers have moved promptly in the 99th Congress to inhibit the passage of police-supported cop-killer bullet legislation and roll back existing federal gun laws.

A bill to ban cop-killer bullets, S. 104, was introduced on the first day of the 99th Congress by Senator Strom Thurmond (R-SC), Senator Daniel Patrick Moynihan (D-NY) and 33 cosponsors. The bill would ban the manufacture and importation of armor-piercing, "cop-killer" bullets. In the House, H.R. 4, introduced by Congressman Mario Biaggi (D-NY) and Congressman William Hughes (D-NJ), would ban the manufacture and importation of this ammunition, but would ban the sale as well. Banning the sale of armor-piercing bullets would prevent this deadly ammunition already on gun store shelves from being used against police and citizens. Nine major police groups believe H.R. 4's ban on sales is so crucial to police protection that they have written to President Reagan to ask for his support on the sale issue.

Handgun Control supports our police and has been actively working to generate support for the speedy passage of legislation to ban cop-killer bullets. Our current postcard campaign, urging support for this measure, is a great success and has added more than 100 new cosponsors to these bills.

In fact, Senator Moynihan, who in the first three weeks of the campaign received over 1,000 cards, asked that we express to you his appreciation for your support.

Passage of a cop-killer bullet bill in the 99th Congress is a top priority, but just as important is preventing passage of the McClure-Volkmer Gun Decontrol Bill, S. 49 and H.R. 945. In a departure from normal procedure, Senator McClure had S. 49 placed directly on the Senate Calendar to avoid committee consideration of the bill. Because it is on the Calendar, S. 49 can be called up for a vote at any time. Senator McClure justified bypassing the Committee on the grounds that the bill is "very similar" to his bill which was unanimously approved by the Senate Judiciary Committee in the 98th Congress. But Senator McClure has made a major change. The bill the Judiciary Committee approved last year contained a provision which prohibited the interstate sale of snub-nosed handguns (the Saturday Night Specials used in two-thirds of handgun crime). As reintroduced, the McClure-Volkmer bill would legalize the interstate sale of handguns.

Handgun Control responded quickly to this legislative sleight-of-hand by working to get a number of Senators to indicate to the Senate leadership that they had problems with the legislation. Several Senators have placed "holds" on the measure, a move which at least temporarily delays Senate consideration. In the meantime, we have been working to ensure that members of the Senate and their staffs know Senator McClure has changed the committee bill. More importantly, however, we must sensitize Capitol Hill to the specific problems the McClure-Volkmer bill would create for the police and the law enforcement community. You can help us in this effort by writing and/or phoning your Senator to tell him or her that you oppose this attempt to overturn the 1968 Gun Control Act's ban on the interstate sale of handguns. Remember, our time is short.

Future Plans

The Handgun Control Conference

The Handgun Control Conference will be held on June 22, in Washington, D.C. All Handgun Control supporters are invited to attend. The Conference will feature four one-hour workshops on working with the media, the legislative process, local lobbying, and fundraising. A U.S. Congressman will speak about the importance of Handgun Control, Inc., as a force on Capitol Hill. The Conference will give supporters an opportunity to share their views on the handgun issue in America. If you would like to attend the Conference, please

check the box below, and return this form to us by May 1. You will receive our registration brochure which provides information on Conference scheduling, fees, and hotel accommodations. Conference registration fee is \$35, which includes lunch, dinner, all workshops and speakers.

☐ Yes, I want to attend Handgun Control's Conference in Washington. Please send me my registration materials.

Name _____

Address _____

City _____ State _____ Zip _____

The Handgun Information Center

LET'S KEEP HANDGUNS OUT OF THE WRONG HANDS.



A New Response to Handgun Violence in America

Few Americans know that one child is killed in a handgun accident every day. Few Americans realize that over 100,000 handguns are stolen from law-abiding citizens every year. Many of these stolen handguns are used to commit other crimes. While legislative initiatives may have an impact on handgun violence, we cannot ignore the 60 million handguns that are already in circulation and which contribute to the hundreds of thousands of deaths and injuries each year.

A great deal of America's handgun violence could be prevented if handgun owners had proper information on how to keep their handguns out of the wrong hands. Many handgun deaths—accidental deaths, suicides, alcohol and drug-related incidents, for example—could be prevented with education on the dangers and responsibilities of handgun ownership.

There are approximately 25 million handgun owners in America. Every year, millions of Americans consider purchasing a handgun. These handgun owners, and potential owners, need information on how they can help reduce handgun violence. For too long, that information has not been available.

The time has come for the public to get the truth about handgun violence in America. Widespread education is an absolute must if we are ever to stop the horrors of handgun abuse, keep handguns out of the wrong hands, and save innocent lives.

The Handgun Information Center, a new, non-profit, education and research organization, was founded to inform Americans how handguns fall into the wrong hands and what steps they as individuals can take to prevent future tragedies. The Center's program seeks especially to show handgun owners, and those considering a purchase, what they can do to keep handguns out of the hands of children, burglars, alcohol and drug abusers, and the mentally disturbed. In addition, The Center will seek to draw parents' attention to the real dangers of handguns in their own homes and in the homes of neighbors where their children may play. N.T. "Pete" Shields serves as The Center's Chairman.

The Center, working with the Police Executive Research Forum (a national organization of law enforcement executives) has developed a bold initiative which, for the first time, involves the cooperation of the police, handgun owners, community leaders, and the public, to help reduce handgun violence.

The centerpiece of The Center's new program is "Handgun Safety Guidelines," a brochure researched and written by

police. The "Guidelines" offers police-approved recommendations on how handgun owners can prevent handgun tragedy in their own homes. The booklet also provides safety recommendations and suggests the local, state, and federal laws of which handgun owners should be aware. "Guidelines" is already being distributed by more than 45 police departments across the country.

The Handgun Information Center will conduct an aggressive campaign in the next five years to educate Americans about the severity of handgun violence. On April 1, The Center launched its first city-wide "Prevent Handgun Violence" campaign in Charlotte, North Carolina. The month-long project, featuring Charlotte Police Chief Mack Vines, is a comprehensive effort to show Charlotteans how they can prevent handgun violence in their community.

The campaign utilizes a series of television and radio public service announcements to illustrate the ways handguns fall into the wrong hands and what handgun owners might have done to prevent such tragedy. In each ad, Chief Vines provides information on how to obtain "Handgun Safety Guidelines" through the local police.

In addition, The Center has produced, for use by community and civic organizations, a "Prevent Handgun Violence" video, based on "Handgun Safety Guidelines" and featuring police officers. Throughout "Handgun Safety Month," police and other spokespersons will address the community and seek public awareness of the dimensions of handgun violence.

The overall program of The Center is exciting and ambitious. The Center will take its "Prevent Handgun Violence" project to at least ten cities in the next 18 months. In addition, The Center will establish a Handgun Violence Prevention Task Force. In the aftermath of a local handgun tragedy, Center staff will meet with community leaders to implement a handgun awareness program to prevent future tragedies. The Center will develop a volunteer network of "Court Watchers," who will monitor the criminal courts and report to the media the sentences each judge gives handgun criminals. The organization will also serve as a national clearinghouse of research information on the handgun issue, including handgun production data, public opinion surveys, crime statistics, and studies on the effectiveness of handgun laws both in the U.S. and abroad.

As The Center expands its programs, we are confident that the effects will be measurable: criminals using handguns will receive tougher sentences from tougher judges; fewer children will be killed or injured in handgun accidents; alcohol-related handgun accidents will decrease; addicts high on drugs or desperate for drug money will have a tougher time getting handguns; and burglars will have fewer opportunities to steal handguns.

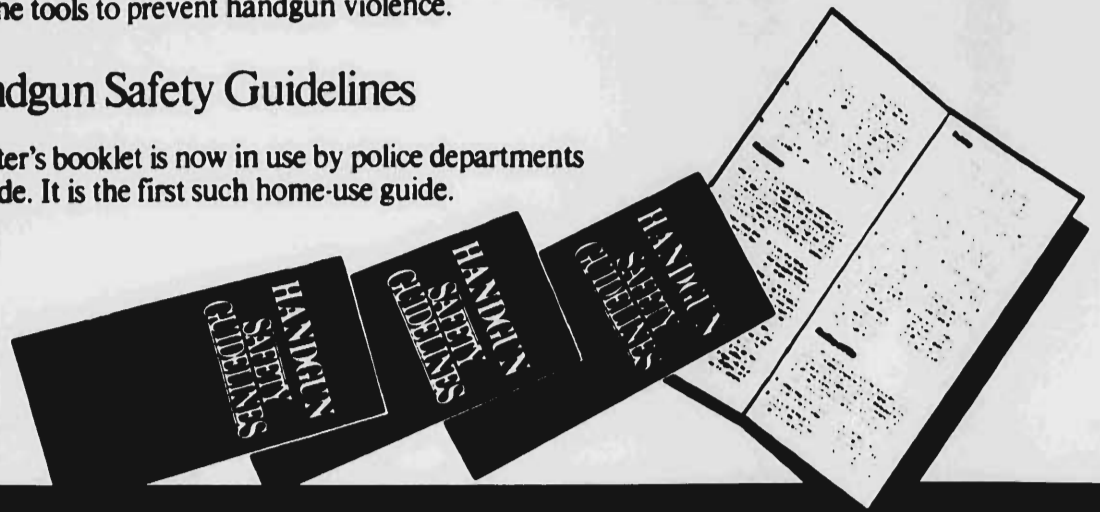
On the following pages you will find an outline of the overall program of The Handgun Information Center. We hope you will help us to make this new initiative a great success.

The Program

With Police leadership, The Center is conducting a national education campaign to reach the public — especially handgun owners — with the tools to prevent handgun violence.

1. Handgun Safety Guidelines

The Center's booklet is now in use by police departments nationwide. It is the first such home-use guide.



2. Media Education Campaign

Test the Campaign (early 1985 market test)

Measure the Impact
(before and after studies in the test market)

Expand the Campaign Nationwide

- 1985 target markets
- 1986 target markets
- 1987 target markets
- ★ 1988 target markets



3. Handgun Violence Prevention Task Force

In communities aroused by handgun violence, The Center's Task Force representatives work with local police, community leaders and the media to establish an effective education program to prevent future violence by keeping handguns out of the wrong hands.

4. Court Watch

Volunteers seek the accountability of judges by monitoring the criminal courts and reporting to the media and public the sentences each judge gives handgun criminals.

5. Research

The Center conducts studies on the effectiveness of foreign, state and local handgun laws; on methods to prevent handguns from falling into the wrong hands; and on attitudes toward handgun ownership.

MEDIA EDUCATION CAMP. SIGN TO PREVENT HANDGUN VIOLENCE

Local Leadership Plan

Developed with local community leaders, police and media.

Handgun Safety Guidelines

Booklet made widely available through local police, businesses and media.

Television Advertising Campaign*

TV ads (paid and public service) feature the local police offering guidelines on how to keep handguns out of the wrong hands.

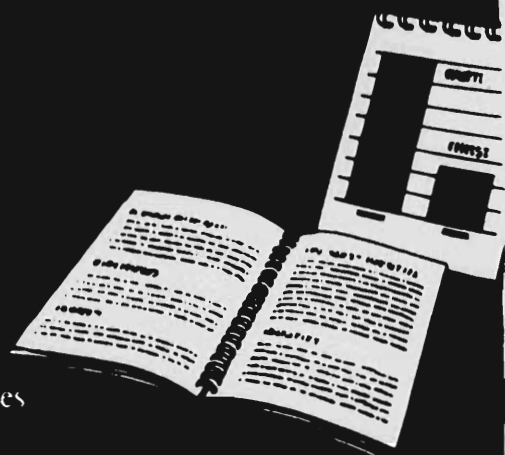


Newspaper and Radio Ads*

Complementary advertisements to reinforce the TV campaign.

Handgun Violence Prevention Video*

A 10 to 12 minute "handguns in the wrong hands" video, featuring the local police, for presentation to community groups by police and local officials.



* The Center's materials are in a generic format for use nationwide. These materials can be adapted for local treatment to feature local law enforcement officers and information on local gun violence.

How You Can Help

Send for a free copy of "Handgun Safety Guidelines."

If you know someone who has a handgun or is considering a purchase, he or she should read this booklet. It provides police-approved recommendations for the safe maintenance of handguns in the home, describes how handgun owners can prevent handgun violence in their homes and communities, and suggests what citizens should know about handgun ownership.

HANDGUN
SAFETY
GUIDELINES

For your free copy, please send a stamped, self-addressed, business-size envelope to: The Handgun Information Center, 1400 K Street, N.W., Suite 500, Washington, D.C. 20005.

Make a Contribution

☐ Yes, I know that widespread public education is vital to the fight against handgun violence. Enclosed is my tax-deductible contribution of:

- ☐ \$15 ☐ \$50
☐ \$25 ☐ \$100
☐ Other

Name _____

Address _____

City _____ State _____ Zip _____

Please make checks payable to: The Handgun Information Center.

Get Involved

I want to participate in The Center's public education campaign. I'm interested in the following:

- ☐ Offering "Handgun Safety Guidelines" to my local police department.
- ☐ Organizing a meeting to show the "Handgun Violence Prevention" video in my community.
- ☐ Distributing to local businesses stand-up displays and posters for "Handgun Safety Guidelines."

Name _____

Address _____

City _____ State _____ Zip _____

The Handgun Information Center is a non-profit, tax-exempt, education and research organization established to educate the public on how they can help keep handguns out of the wrong hands. Contributions to The Center are tax-deductible under Section 501(c)(3) of the Internal Revenue Code.

Paid for by the Handgun Information Center.

Ballot

Please detach page and return by May 1, 1985

Mail to: Handgun Control, Inc., 1400 K Street, N.W., Suite 500, Washington, D.C. 20005

Vote For One: Because of threats by the gun lobby to disrupt this election, only original ballots will be accepted. Please do not return copies of this page. Election results will be published in the next issue of "Washington Report."

Candidates (listed alphabetically)

☐ John Corderman Hagerstown, Maryland

Circuit Court Judge; Graduate University of Maryland, B.A. 1965; University of Maryland School of Law, J.D. with Honors, 1968; Deputy State's Attorney for Washington County, 1971-74; Maryland State Senator, 1975-77; Circuit Court Judge, 1977-present; President, Maryland State Bar Association, 1984-85.



66I have been a member of and regular contributor to Handgun Control, Inc., for approximately four years. As a prosecutor, State Senator and Judge, I have been increasingly alarmed by the level of handgun violence in this country. Since becoming a member of Handgun Control, Inc., I have spoken before numerous groups and organizations about this national disgrace and the tragedy of needless gun deaths. As a Judge, I have treated crimes committed with firearms as the serious felonies which they are and I have seen, firsthand, the damage done to victims and their families as a result of the senseless and careless use of firearms. I joined Handgun Control, Inc., because of its reasonable, deliberate and rational approach to this sensitive and potentially emotional issue. I would very much like to have the opportunity to further assist the organization as a member of its Board of Directors.??

☐ Dave M. Davis, M.D. Atlanta, Georgia

Forensic Psychiatrist

66My interest in Handgun Control, Inc., began six years ago when I was robbed at gunpoint on the streets of Washington, D.C. Two years later, I witnessed a murder when the drivers of two cars in front of me at a traffic light got into an argument over the light, with one impulsively shooting the other mortally through the chest. The perpetrator was acquitted of murder but I later saw him in the office and his life was ruined. He lost his job, his wife left him and he spent all his money on his defense.

In my occupation as a psychiatrist, with subspecialties in clinical and forensic psychiatry, I often am called upon to examine very disturbed people, and it certainly is frightening to talk to them and learn that they own one or more personal handguns. In my work as a forensic psychiatrist, I am often called on to examine people charged with murder. Some of these are "murderers" who have shot their friends or relatives in a fit of passion.

Therefore, if I get to serve on the Board, I will work to do whatever is practical to place the fewest number of guns in the fewest hands, in the most difficult way possible, with the most restrictions, the most registration, and the strictest qualifications possible. I have lived in Germany, England and Japan, all of which have stringent gun control laws, and I can tell you that it makes a difference ??



☐ Mercer Tate Philadelphia, Pennsylvania

66Dwyer; Amherst College; Harvard Law School; Active with handgun control in Philadelphia since 1968; Organizer of Pennsylvania Coalition for Handgun Control; Long time member of Handgun Control, Inc.; Delegate, Pennsylvania Constitutional Convention, 1967-68; President, Fellowship Commission of Philadelphia, 1978-82; United Neighborhood Centers of America, President, 1982-84; Arthritis Foundation, National Delegate, 1979-present.



66My legislative and advocacy skills should be able to bring external strength to HCI, and my ability to find consensus should bring internal strength to HCI.??

☐ Charles Ticho Woodcliff Lake, New Jersey

President of Performance Designs, Inc.; former president of Lions International—New York; president of American Field Service—Bergen County; vice president Directors Guild of America; Producer/director of audio-visual productions and convention programs.



66Active in HCI since brother's murder in 1977. Organized memorial fund, membership recruitment efforts, and letter writing campaign. Assisted, through own corporation, in the distribution of the "San Ysidro" public service television announcement. Acted as spokesman in New Jersey area on behalf of HCI in person, in print and on television.

With HCI entering the public education field and with the advent of its national convention, my specialized professional experience in these two important areas may be of particular use and my extensive contacts with associations in Washington may serve HCI as it expands its areas of activity.??



by Pete Shields

Voting Procedures

I am pleased to send you this issue of "Washington Report," which contains your ballot to vote for a new member of the Handgun Control Board of Directors. As you can see, we have given you four exceptionally well-qualified choices. I hope you will participate in this valuable election process.

Nominating forms for the new Board Member were printed in the December issue of this newsletter and we were delighted by the response. More than 30 members volunteered to serve on the Handgun Control Board—the policy-making arm of our organization. Determining which four individuals would be included on the ballot was not an easy task. Our Nominating Committee spent hours deciding which of these exceptional candidates would be presented for your consideration. I hope you'll agree we've chosen an impressive slate.

As expected, the voting procedure for this election will not be trouble-free. An article in a recent gun lobby publication suggested that pro-gun individuals do their best to disrupt our voting process by submitting their own ballots. For this reason, this newsletter has been mailed only to members of Handgun Control—those who have made a contribution to the organization within the last two years. Because of these threats, we cannot accept any ballot copies or facsimiles. Only original ballots can be accepted.

We will announce our new member of the Board in the next issue. I appreciate your enthusiasm and willingness to participate in this important election.

Member Privileges

In addition to the annual election of a member of the Board, you—as a member of Handgun Control—are entitled to other membership privileges. You are entitled to participate in our annual meeting which will be held on June 22, in Washington, D.C. The Handgun Control Conference will bring members of Handgun Control together to learn more about the issue, our plans for the future, and how you can become more involved in working for passage of tougher handgun laws. The Handgun Control Conference is your opportunity to learn how you can help make Handgun Control's goals a reality. You'll find registration and reservation information on page two. I hope many of you will take advantage of this opportunity to meet us here in Washington. I'm looking forward to a productive and informative Conference.

If, however, you're unable to attend, please let me know your ideas and opinions on our program. We are your voice—your representative—and we need to hear from you. Every year, we call thousands of our members to find out what concerns them most and how they feel we can best reach our goals. Don't be afraid to tell us what you think—we want your advice.

HANDGUN CONTROL

**ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.**

Handgun Control Inc
1400 K Street N.W.
Suite 500
Washington, D.C. 20005

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Barbara Lautman, Editor (202) 698-0792

Vol. 11, No. 2

Up Front

McClure Gun Decontrol Bill Passes Senate Congressman Rodino Introduces New Handgun Control Legislation

Despite the opposition of major law enforcement organizations and *Handgun Control*, the U.S. Senate approved a much-weakened version of the McClure Gun Decontrol Bill (S. 49) on July 9 by a vote of 79-15. The bill, which would allow interstate handgun sales barred since 1968, has been hailed by the National Rifle Association as the "first step toward repeal of the 1968 Gun Control Act."

Although the measure still contains many provisions which will hinder law enforcement efforts to fight violent crime, *Handgun Control* lobbyists, working closely with the Senate leadership, succeeded in negotiating last-minute changes which deleted several of the bill's most damaging provisions. In addition, *Handgun Control* lobbyists were able to add one major improvement: a ban on the importation of Saturday Night Specials. These changes significantly reduce the McClure bill's damaging effects.

Handgun Control managed to block passage of the McClure bill for six years: each time the bill was considered, *Handgun Control* was able to weaken its damaging provisions. This year, however, Senator McClure employed an extraordinary parliamentary tactic which brought the bill directly to the Senate floor—without any hearings or Committee consideration. Because public hearings were not held, police organizations and law enforcement officials did not have a chance to let the Senate know that they oppose the bill and instead, support a waiting period and background check for handgun purchasers.

In spite of police support for a waiting period and opposition to interstate handgun sales, amendments by Senator Kennedy (D-Mass.) and Senator Inouye (D-Hawaii) to correct these features of the bill, failed in floor votes. Several Senators who met with representatives of the law enforcement community did vote with *Handgun Control* on these important amendments.



Congressman Peter Rodino (D-NJ) and Pete Shields plan strategy to strengthen federal handgun laws.

The McClure bill now moves to the House of Representatives for consideration, where Congressman Peter Rodino (D-NJ), a long-time handgun control supporter, chairs the House Judiciary Committee. Congressman Rodino's Committee has jurisdiction over all gun bills in the House and Rodino has promised he will do his best to amend the McClure bill with important handgun control features.

Congressman Rodino has also introduced new legislation designed to keep handguns out of the wrong hands. The bill, H.R. 3155, would require a waiting period and background check for handgun purchasers; impose new restrictions on the private ownership of machine guns; and make other technical changes in the 1968 Gun Control Act. Congressman Rodino will hold hearings on his bill and the McClure-Volkmer bill, this fall.

The National Rifle Association, however, has mounted a challenge to Committee consideration of the bill. NRA-backed legislators do not want the close scrutiny of Judiciary Committee hearings, and have started a drive to bypass the Judiciary Committee and instead bring the bill directly to the floor of the House for a vote. *Handgun Control* and the many police organizations involved in the fight against S.49 have written to House members urging that they oppose the NRA challenge and give the law enforcement community an opportunity to speak out on the bill.

It is vital that *Handgun Control* members write to their Representatives in support of the new Rodino bill and against S.49. The police, whose job is to fight violent crime, know that strengthening our federal controls on handguns will aid in their battle against handgun violence. Our lawmakers need to hear that the American people stand with the police in opposition to weakening our nation's gun laws.

Continued

back down from his position that federal handgun control laws are vital in the fight against handgun violence.

The Conference ended with the presentation by Pete Shields of the first "Chairman's Award for Outstanding Service." Charles Ticho of Woodcliff Lake, New Jersey, recipient of the award, has worked with *Handgun Control* since the murder of his brother several years ago. Charlie has written and personally lobbied his Representative and Senators, made speeches to community groups, appeared on television and radio debates, and has used his business—a production company—to produce and distribute television public service announcements for *Handgun Control*.

Roger Simon, nationally-syndicated columnist for the Baltimore



Susan Dankoff Menick, Director of Development, conducts Conference workshop on fundraising. Photo by Jason Miccolo Johnson.



Charles Ticho accepts Chairman's Award from Pete Shields at Handgun Control Conference. Photo by Jason Miccolo Johnson.

Sun, closed the evening with a dinner speech entitled, "Guns, Guts and Government." Simon used the various positions presidential candidates have taken on the handgun issue to illustrate the controversial nature of the handgun control debate in national politics.

Response from participants was overwhelmingly positive. Plans are currently underway for next year's Conference and we look forward to seeing even more supporters at next year's event. Information on the 1986 Handgun Control Conference will be included in your next "Washington Report."

The Votes

Box I shows those Senators who voted *with* Handgun Control against the McClure-Volkmer Bill. Boxes II and III show Senators who voted *with* Handgun Control on two key amendments.

Senators Voting Against S.49, The McClure Bill

Alan Cranston (D-California)
Gary Hart (D-Colorado)
Christopher Dodd (D-Connecticut)
Daniel Inouye (D-Hawaii)
Spark Matsunaga (D-Hawaii)
Charles Mathias (R-Maryland)
Paul Sarbanes (D-Maryland)
Edward Kennedy (D-Massachusetts)
John Kerry (D-Massachusetts)
Carl Levin (D-Michigan)
Frank Lautenberg (D-New Jersey)
Daniel Moynihan (D-New York)
Howard Metzenbaum (D-Ohio)
John Chafee (R-Rhode Island)
Claiborne Pell (D-Rhode Island)

Senators Voting Against Allowing Interstate Handgun Sales

Alan Cranston (D-California)
Gary Hart (D-Colorado)
Christopher Dodd (D-Connecticut)
Lowell Weicker (R-Connecticut)
Joseph Biden (D-Deleware)
Daniel Inouye (D-Hawaii)
Spark Matsunaga (D-Hawaii)
Alan Dixon (D-Illinois)
Tom Harkin (D-Iowa)
Nancy Kassebaum (R-Kansas)
Charles Mathias (R-Maryland)
Paul Sarbanes (D-Maryland)
Edward Kennedy (D-Massachusetts)
John Kerry (D-Massachusetts)
Carl Levin (D-Michigan)
Donald Riegle (D-Michigan)
Frank Lautenberg (D-New Jersey)
Daniel Moynihan (D-New York)
John Glenn (D-Ohio)
Howard Metzenbaum (D-Ohio)
David Boren (D-Oklahoma)
John Chafee (R-Rhode Island)
Claiborne Pell (D-Rhode Island)
Dan Evans (R-Washington)
Slade Gorton (R-Washington)
William Proxmire (D-Wisconsin)

Senators Voting For a Waiting Period for Handgun Purchasers

Alan Cranston (D-California)
Gary Hart (D-Colorado)
Christopher Dodd (D-Connecticut)
Lowell Weicker (D-Connecticut)
Daniel Inouye (D-Hawaii)
Spark Matsunaga (D-Hawaii)
Tom Harkin (D-Iowa)
Nancy Kassebaum (R-Kansas)
Charles Mathias (R-Maryland)
Paul Sarbanes (D-Maryland)
Edward Kennedy (D-Massachusetts)
John Kerry (D-Massachusetts)
Carl Levin (D-Michigan)
John Melcher (D-Montana)
Frank Lautenberg (D-New Jersey)
Daniel Moynihan (D-New York)
John Glenn (D-Ohio)
Howard Metzenbaum (D-Ohio)
David Boren (D-Oklahoma)
John Chafee (R-Rhode Island)
Claiborne Pell (D-Rhode Island)
John Warner (R-Virginia)
William Proxmire (D-Wisconsin)

Note: Senators Armstrong (R-Colo.), Simon (D-Ill.), Long (D-Louis.), Stennis (D-Miss.), Bradley (D-N.J.), and Hatfield (R-Ore.) were absent and did not vote.

Center Launches Prevent Handgun Violence Campaign

The Handgun Information Center was formed by Pete Shields to educate Americans about ways they, as individuals, can help reduce handgun violence. The Center seeks to inform handgun owners and those considering the purchase, the risks and responsibilities involved in handgun ownership and what they can do to reduce the chance of injury or death.

The Center conducted its first "Prevent Handgun Violence" project in Charlotte, North Carolina, in April. With Police Chief Mack Vines as the program's spokesman, the multi-media campaign publicized this public safety issue through TV, print and radio advertisements, police presentations to the community, and The Center's handgun safety videotape. Thousands of Charlotteans received copies of "Handgun Safety Guidelines," which outlines the dangers and responsibilities of handgun ownership and provides information on safe handling, storage and maintenance of handguns in the home.

Harvey Gantt, Mayor of Charlotte, fully supported the program and at the kick-off press conference proclaimed April "Handgun Safety Month." In addition, the city distributed "Guidelines" to each city employee in their April paychecks, the city-run cable TV channel included program information, the Charlotte Transit Authority placed handgun safety posters in each of the city's buses as a public service, and the city included a special insert describing the program in the water company's April statement to 116,000 households. This insert was so successful that the water company plans to include city program information in future statements.

Corporate involvement in the campaign was extensive—many local businesses enclosed "Guidelines" with their employees' paychecks; others, such as the local 7-Eleven stores made "Guidelines" available to their customers; and hospitals placed displays in their waiting rooms. Many invited the police to make handgun safety presentations to their management and employees. The result of this aggressive campaign was that over 90,000 brochures were distributed within the Charlotte community during April—and the requests continue.

In addition, Chief Vines and his staff met with local gun club representatives as well as gun store and pawnshop owners to solicit their cooperation in the project. While at first hesitant, all except one supported the campaign. The gun stores and pawn shops agreed to distribute "Guidelines," and the gun clubs offered free handgun safety instruction throughout the month of April.

Mecklenberg County Sheriff C.W. Kidd, Charlotte's other major local law enforcement authority, was also very supportive of our program. Sheriff Kidd's office is responsible for issuing handgun permits and Sheriff Kidd agreed to distribute "Guidelines" to each person seeking a permit. Respondents to a questionnaire distributed by Sheriff Kidd overwhelmingly approved of the "Guidelines," praised the program, and many thanked the Sheriff for making this information available to them.

Not only did the police department work with the media, community groups, and businesses who committed their support prior to the campaign, but they continued seeking new ways to reach out into the community. Chief Vines' office mailed letters seeking support to the private school system, to Charlotte businesses (with the assistance of the Chamber of Commerce) and to Charlotteans who have had firearms stolen from their

homes in the past three years. Each mailing offered "Guidelines" and whatever assistance the department could provide.

Everyone associated with the program rated it highly. It raised the issue of handgun safety to a high level of community awareness and provided the opportunity for the police to bring a positive program into the community and meet citizens in favorable settings. John Hayes, Director of the Public Housing Authority's Crime Prevention Program, summarized the program's success: "The program opened up avenues for people to think about handgun safety. They realize they have a right to be concerned about who has a gun and how they use that gun."

While everyone involved in the campaign believes it was a huge success, the National Rifle Association would have liked to have seen it fail. The NRA refuses to discuss the dangers and responsibilities of handgun ownership and is threatened by The Center's program to bring this information to the community. In fact, the Washington office of the NRA attempted to dissuade Chief Vines from participating in the project. Fortunately, Chief Vines recognized the need for a handgun safety campaign in his community and was able to convince even the local NRA representatives to assist his department.



Since the end of the campaign, however, the NRA has attempted to discourage other police departments from cooperating with The Center or from distributing our "Handgun Safety Guidelines"—criticizing it as "propaganda." It is doubtful that they will succeed, however, as one major police organization, the Police Executive Research Forum, wrote the "Guidelines" for The Center and assisted The Center in administering the Charlotte project. In addition, the brochures are now being distributed by over 90 police departments across the U.S. and more are requesting brochures each week.

Apart from seeking additional cities interested in conducting a program similar to the Charlotte project, we realize we must take our safety message nationwide. We plan to conduct a national multi-media campaign, featuring police officials and well-known Americans, which emphasizes the risks of handguns in the home and what steps individuals can take to prevent accidental injuries and deaths. We will place advertisements in major magazines and air a new series of public service announcements featuring Michael Gross of the NBC program "Family Ties."

The Center is confident that with an expanded national program, together with localized projects, we will succeed in raising the level of awareness about the extent of handgun violence in America and in bringing information to handgun owners across the country about home safety precautions. Through broader education, The Handgun Information Center can help reduce the staggering toll of handgun violence in America.

Capitol Hill Report

by Mary Louise Westmoreland,
Legislative Director and General Counsel

The battle over the McClure bill (S.49) was fought in two rounds in the Senate: the negotiations and the floor vote. Most Hill insiders would concur that while the National Rifle Association won the final round, the first clearly belonged to *Handgun Control*. In negotiations with the Senate leadership, we forced the NRA to remove or amend three objectionable anti-law enforcement provisions. The NRA was also forced to accept an amendment to close a loophole in the 1968 Gun Control Act which allows the importation of Saturday Night Special parts.

Briefly the scenario was as follows: On Thursday, June 13, Senator Kennedy's office notified us that Senator Dole had just announced a vote on S.49 for the following Monday. Our first response was to line up Senators who would be willing to filibuster (or block action) the bill in order to slow down the Senate's work and delay a vote until opponents of the measure had time to focus attention on Senate action. Since there was little advance notice, the media, the public, and indeed many Senators did not know the full extent of S.49's provisions.

We knew that we needed to provide this vital information. On Friday morning, we delivered notebooks to each Senator which outlined specific problems with S.49 and what corrections were necessary.

In the face of a filibuster threat, and with every Senators' office blanketed with negative information (including police opposition) to the bill, Senate Majority Leader Robert Dole (R-Kans.) undertook a series of negotiations with *Handgun Control*, The NRA, and staff for Senators Kennedy, Metzenbaum, McClure, and Hatch.

The purpose of these negotiations was to determine whether *Handgun Control* would agree to avoid a filibuster in return for the NRA and NRA Senate supporters conceding on some of the amendments we proposed. After numerous and lengthy discussions in the Majority Leader's Office, we agreed to withdraw the filibuster threat if:

1. The vote were delayed for two weeks to give us time to work with the police and let Senators know what the bill really contained.
2. Senator Dole would schedule a vote on the bill to ban cop-killer bullets.
3. Senator Dole would introduce legislation to address problems with the availability of silencers, kits to convert semi-automatic weapons into machine guns, and the availability of Uzi-type assault weapons.

4. Amendments were added to S.49 to:

- close the Saturday Night Special parts loophole in existing law;
- delete the provision of S.49 which would have allowed gun dealers to plead "simple carelessness" for violations of the law;
- replace the provision which would have allowed gun dealers to sell guns on street corners with a provision allowing sales only at gun shows;
- replace the provision which would have nullified state and local handgun laws with language that would preserve state and local handgun licensing laws.

These changes in the McClure bill were finally agreed to by all parties and ultimately made part of the bill. *Handgun Control's* strength at the negotiating table was noted by Senator Dole who wrote "... Due in large part to the professionalism and effective advocacy of HCI, we were able to develop and agree upon a number of amendments which significantly improved the bill. ... Congratulations on an outstanding job."

The importance of police participation in the battle cannot be overstated. With the help of major law enforcement organizations and police chiefs and state troopers nationwide, we succeeded in changing some Senators' positions on the bill. Most importantly, many Senators voted in support of a waiting period and against interstate handgun sales because of the police position on these measures. Where Senators met with constituents, especially police officers, we were able to gain new Senate support. Although we lost on these two important amendments, we have gained support in the police community and new momentum to carry us through the House fight.

In the House, the NRA is trying to "discharge" S.49 from Congressman Rodino's Judiciary Committee, which would prohibit the Committee from holding hearings on the bill. The NRA, which succeeded in avoiding public hearings in the Senate, knows that if the police have an opportunity to voice their opposition to the bill, its chances for passage will be more difficult.

Handgun Control is working with major law enforcement organizations to garner opposition to the bill and let Representatives know that, despite NRA claims to the contrary, the police oppose interstate handgun sales and want a waiting period for handgun buyers. Hearings on S.49 and Congressman Rodino's new legislation will be held through late fall.

Handgun Control needs your help now more than ever. It is crucial that you write to your Representatives and tell them that the public and the police oppose weakening our nation's gun laws. Ask your friends to write too. Let your local media know about law enforcement support for laws to keep handguns out of the wrong hands. S.49 must be stopped.

HANDGUN CONTROL

**ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.**

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Special Legislative Action

TO: Handgun Control Supporters
FROM: Pete Shields *P.S.*
RE: Fighting back!

September 20, 1985

I know you share my anger that the U.S. Senate acted for the NRA and against the police and ordinary citizens when it voted in July to weaken our only national handgun control law.

And the picture I'm holding in my hands would make you even madder. It was featured in an NRA newspaper.

It shows one of the NRA's lobbyists flanked by Senators Hatch, McClure, Dole and Thurmond -- cutting a victory cake shortly after their shameful action. They're all smiling.

A victory cake! In honor of making it easier for criminals to get their hands on deadly handguns!

The photo was sent to me by one of your fellow Handgun Control supporters along with a note that said: "Pete, what can we do to fight back?"

That was just one of thousands of letters and phone calls I've received since the Senate's vote. And almost all of them asked the same thing: "How can we fight back?"

I'm writing to you this morning to answer that question -- and to tell you how you can help.

In a capsule, here's what we're going to do:

***FIRST, we've already gone on the offensive in the House of Representatives. Our ally, Chairman Peter Rodino of the House Judiciary Committee, has introduced a new handgun control bill, and he has announced plans for nationwide hearings on handgun control.

Through Congressman Rodino, we will take our case directly to the American people and force the Congress to fully examine and understand the true nature of the NRA's legislation.

***SECOND, we have forged an unprecedented coalition of law enforcement officials and citizens who favor handgun control.

(over please)

Page Three

despite the urgent pleas not to from Florida police chiefs.

And so on ... throughout the country.

The recent Senate vote to weaken our handgun law showed that the senators feared the NRA more than they feared you and me.

But our PAC is going to make sure that doesn't happen again in the Senate or in the House. Our Political Action Committee will give strong financial support to candidates who speak out in favor of handgun control -- and against the self-serving NRA propaganda.

But fighting the NRA on these two fronts will take a great deal of money -- and I must turn to you for financial support at this crucial, yet opportunity-laden time.

If you're as mad as I think you are, please help by ...

... writing out a check to Handgun Control. Your support will help us implement our three-point plan for fighting back by going on the offensive in the House, strengthening our coalition with law enforcement officers and taking our fight to the home districts of key Congressmen.

... AND/OR writing a check to Handgun Control's Political Action Committee. Your PAC contribution will be used immediately to counter the NRA financing of its chummy legislators and to help elect friends of handgun control.

And -- PLEASE -- act as soon as you possibly can. The NRA may still try to use a parliamentary tactic known as a discharge petition to go around Chairman Rodino and ramrod their bill through the House without any public hearing.

To do that, they would need to convince 218 Congressmen to sign a petition to take their legislation directly to the House floor.

The earliest they could pull this shenanigan off would be the second week of October -- so we still have time to block them IF WE ACT IMMEDIATELY.

It comes down to this: We can fight back and regain the ground we lost in the Senate IF we make sure that every Congressman hears from his local police and his constituents -- not just from the NRA.

Your check for \$25, \$50, \$100, \$500 -- or whatever you can afford -- will be put into action the very day it arrives.

(over please)

Special Legislative Action Reply Memo

Step #1: Fight Back on the Legislative Front!

I want to support Handgun Control, go on the offensive in the House, mobilize its coalition with law enforcement officials and organize its supporters at the grassroots level.

Here's my check, payable to Handgun Control, for:

~~Mr. Clyde M. Rasmussen~~
~~Handgun Control~~
~~Washington, DC 20036~~

☐ \$15 ☐ \$25
☐ \$30 ☐ \$40
☐ Other \$ _____

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Step #2: Fight Back on the Election Front!

I also want to make a special contribution to Handgun Control's Political Action Committee to get our Congress out of the NRA's pocket by helping to elect friends of handgun control to office.

Here's my separate personal check, payable to Handgun Control PAC, for:

☐ \$15 ☐ \$25 ☐ \$30 ☐ \$40 ☐ Other \$ _____

~~Mr. Clyde M. Rasmussen~~
~~Handgun Control~~
~~Washington, DC 20036~~

Please return this Reply Memo along with your check(s) to P.O. Box 19249, Washington, D.C. 20036

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Money-Saving Tax Information:

If you contribute to HANDGUN CONTROL's PAC, federal law allows you to take a 50% tax credit for your donation of up to \$50 for a single contribution and \$100 for a joint contribution.

Also, for a contribution of \$200 or more, the Federal Election Commission requires you to list your occupation and business address:

Occupation _____ Employer _____
City _____ State _____

Authorized and paid for by Handgun Control PAC.

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