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THE SECOND AMENDMENT UNDER ATTACK

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BUT OBAMA WANTS TO TAKE YOURS***

TUESDAY, OCTOBER 15, 2013

**TRANSCRIPT PROVIDED BY
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TOM FITTON: And we're ready to begin. For those of you on the Internet, we appreciate your sticking with us while we figured out the delay.

So welcome to Judicial Watch and our panel this morning. Good morning. I'm Tom Fitton, president of Judicial Watch. And Judicial Watch is a conservative, nonpartisan educational foundation dedicated to transparency, integrity, and accountability in government, politics, and the law. Through our educational activities, we advocate high standards of ethics and morality in our nation's public life and seek to ensure that public officials do not abuse the powers entrusted to them by the American people.

Judicial Watch strongly believes in the rule of law and to that end, a government that adheres to the limits imposed upon it by the U.S. Constitution.

Our panel today entitled "The Second Amendment under Attack," seeks to highlight the recent controversies and debates over the protections and limits of the Second Amendment right to keep and bear arms. We will examine how the recent mass shootings by two mentally ill individuals in Sandy Hook and the Washington Navy Yard have embolden the Obama administration and its allies through executive action and legislation restricting certain Second Amendment rights of Americans.

Our panel will explore the efficacy and constitutionality of anti-gun actions at the federal and state level.

Following the Sandy Hook shooting, President Obama working through his point man, Vice President Biden, almost immediately announced nearly two dozen executive actions related to gun control. But despite massive media and other left-leaning pressure, including from Barack Obama and his personal political operation, Congress refused to seriously consider massive gun ban and other gun control measures.

Meanwhile, a handful of states have passed additional restrictions, such as New York and Connecticut, and our neighbor, the state of Maryland passed a slew of gun control measures this past year, which are now also subject to legal challenge, the chief result of which seem to be massive gun purchases by law abiding citizens in the run un to the implementation of the law.

But interestingly, Governor Jerry Brown of California just vetoed a massive gun control bill in the liberal state of California. Of course, it could be argued that the real news over the last several years is an increased gun control, but the easing of gun restrictions as a result of the Supreme Court Heller and McDonald decision that affirmed that individuals had the individual constitutional right to keep and bear arms.

Judicial Watch has noticed recently, though, that government corruption and gun regulation seem to be going hand in hand. Firstly, there's the debate about the lawfulness of some of President Obama's executive orders that I mentioned earlier, some which seem to be an end run around, for instance, longstanding laws that prevent federal health bureaucrats from using tax money to promote the motion that gun violence, like cigarette smoking, is a public health issue.

And then there's the local abuse of public office, as we suspect it's the case with Mayor Michael Bloomberg Mayors Against Illegal Guns. This Bloomberg scandal seems to involve the misappropriation of local tax dollars to advance the private lobbying agenda of Bloomberg's anti-gun group.

And then here in D.C., as I'm sure Emily will talk about, the local police and prosecutors happily enforced draconian anti-gun laws against average Americans. Yet, if you hold politically correct views on gun rights such as David Gregory in NBC News, not only can you violate these gun laws but with impunity, but you can in the case of Dianne Feinstein, senator from California, get help violating these laws from the D.C. chief of police.

In our nation's capital, as long you want more gun control laws, it seems you don't have to follow the gun control laws on the books.

So there's a lot to talk about today. So let's get to our panelists. Emily Miller is senior editor of the Opinion pages at the "Washington Times," and she regularly appears in the media on gun control issues. And her reporting on the Second Amendment has won her several awards. She was a senior editor at the "Human Events" and columnist for AOL's Politics Daily. She's worked for both ABC and NBC News. And she's the author of the new great book "Emily Gets Her Gun: But Obama Wants to Take Yours." (Laughter.)

Stephen Halbrook has litigated cases in the federal and state courts nationwide on constitutional issues involving various firearm laws. He's argued and won cases in the U.S. Supreme Court representing manufacturers, law enforcement officers, and criminal defendants on matters pertaining to the International Firearms Act. In the seminal case of *D.C. v. Heller* he represented the majority of the members of the Congress as amicus curiae. He's the author of the book "The Founders' Second Amendment," and the upcoming book "Gun Control in the Third Reich." We're lucky to have Stephen here. He is a key legal resource and leader on Second Amendment issues.

And also John R. Lott Jr. is the president of the newly formed Crime Convention – Crime Prevention Research. He is also the author of "More Guns, Less Crime." And his newest book is "Dumbing Down the Courts: How Politics Keeps the Smartest Judges Off the Bench." And John's analysis and research has really transformed the gun rights debate in this country. So again, we're lucky to have these panelists here with us today.

And we'll just go down the row here, beginning with Emily. And our panelists will be making remarks as – the time as they see fit, and then we'll open it up for discussion and questions from our audience. So Emily Miller, thank you for joining us.

EMILY MILLER: Thank you for having me here. I'm honored to be here. This is – Judicial Watch does such great work in enforcing especially the people in this city and in politics who refuse to respond to journalists and the First Amendment. And so I appreciate everything you guys are doing.

And you know, I am – I am new to the Second Amendment fight and in awe of sitting next to Steve Halbrook and John Lott right now, and even being on a panel with them. I became involved – I've always been a conservative and pro-Constitution, pro-Second Amendment, but it was in theory until I was a victim of a home invasion a few years ago and was – walked into a home, I was dog sitting, and walked in and found the man robbing it. And that really changed my view of guns because, quite frankly, I thought, oh, my God, I wish I had a gun to protect myself. And they – but thankfully, I wasn't physically hurt. But I quickly found out there're about 15 other men at the end of the driveway with him. So it could have gone very badly.

And then, I decided to get a gun because I thought D.C. has a rising crime rate, all right, I know D.C. has a rising crime rate. Chief Lanier will hide that from you. But assaults with a gun are up. Robberies with a gun are up. And homicides this year are up. Violent crime is up. This is not a safe city.

So I want to get a gun to check myself. And I told – went to my editor at the “Washington Times” and said I'm going to get a gun. Would it be interesting if I wrote about it in “Washington Times?” I know it's somewhat difficult. I had no idea. I said, I think it'll take about two weeks. And I have – very, very long story that is a book short – it took four months to get a legal gun in D.C. There were 17 steps I had to go through. It cost \$435 in fees. And I can't even take the gun out of the home because there are no carrier rights in D.C. at all. It's the last place in the country that doesn't allow you to bear arms.

So this inspired me to get more involved broadly in the Second Amendment. And then I decided to write this book because quite soon after I went through what is supposed to be gun control laws are supposed to make the city safer do nothing but make it hard for people, law abiding people like me to get a gun. And quite obviously don't affect the criminals whatsoever because they don't care what the laws are. It does – and it also doesn't affect, as Tom mentioned, the liberal elite because Dianne Feinstein can get whatever illegal gun she wants. And David Gregory of NBC can get whatever illegal gun he wants or magazine, in that case.

What I saw this year is the greatest assault on the Second Amendment in at least 20 years and since the last assault weapons ban in the early '90s. And that's due to the fact that we've got this rabidly anti-gun president in the White House who's elected for a second term and will do nothing to – are we guys OK?

STEPHEN HALBROOK: (Off mic.)

MS. MILLER: Oh, OK. We're – so the reason that this is the greatest assault on Second Amendment is the rabidly anti-gun president who's been reelected and is going to pursue his long time agenda, combined with the fact that we've got a billionaire New York City mayor who's willing to spend any amount of money – because it's pocket change to him tens of millions of dollars to make sure that gun control spreads throughout the state. And we've seen this year alone, five states have passed radical gun control laws, including a Western longtime pro-gun state like Colorado. They didn't get enough votes in the Senate in April to pursue so-called the universal background checks, but Obama just said after the terrible Navy Yard shooting that he will, before the end of his term, get federal gun control laws.

And I think the most important thing for those of us who are pro-Second Amendment and want to defend our rights and defend our Constitution is to understand that the president, aided by the liberal media, deliberately mislead the public into thinking certain things in order to pursue their agenda. Primarily, they want people to think that gun crime is up. They want you to think you're more in danger. And as we're sitting here talking about – on this panel today about how mass shootings are being exploited in order to push gun control laws – you heard just after the Navy Yard shooting, the president came out and said here we have yet another one of these. Once again, I'm here.

Well, the last mass shooting was last December. It's a horrible day in American history when a killer killed 20 children in Newtown, at Sandy Hook Elementary School. But the president of the United States is talking about a nine-month gap, and that's deliberate scare tactics. A responsible president would have come out and said there is no reason for you to be afraid. Mass shootings are not on the rise. Congressional Research Service did a great study in April that looked at 30-year history. Mass shootings are not on the rise. You're safer now than ever. Don't be concerned.

But that's not what this president does. And we get into more of this as we go along, but I'm going to just say that just for me, where I came from as a victim and then now as an advocate for the Second Amendment, I'll just read you the last line of my book because it sort of explains to you where I – where I'm coming from today.

God gave us the right to defend ourselves, whether from dangerous citizens or tyrannical government. Our founding fathers said those rights cannot be infringed. I generally don't call myself pro-gun. I choose to describe myself as pro-Second Amendment. A gun is just a tool. The fight is for freedom. Thank you.

MR. FITTON: Thank you, Emily. You remind me – I was – I recall being – when I was robbed by gunpoint just outside the Supreme Court. So – all ironies, D.C., the more strict gun control rules in the world or in the country – or it can be argued – the crime is just astronomical associated with it. I appreciate your personal testimony on that as well.

Mr. Halbrook, thank you.

MR. HALBROOK: Thank you, Tom. It's a real pleasure to be here at Judicial Watch. The organization's been doing God's work for a long time now. We really appreciate it.

I don't know about you people, but I feel a lot safer knowing that Emily's gun is registered and that she had to go through all that trouble to get it. I'm also – I also feel safer because her registration will expire in three years –

MS. MILLER: That's right.

MR. HALBROOK: – and even though if they wanted to do background checks on her every day, it'll expire, and then, if she doesn't get the notice in the mail, then she will become an illegal gun possessor and subject to one year incarceration, unless the gun's outside her home. Then, it will be, I think five years.

MS. MILLER: And will you represent me when I get? (Laughter.)

MR. HALBROOK: You know, when Eric Holder was U.S. attorney for the District of Columbia, he proposed that an unregistered gun should get you a mandatory five years' incarceration. So your papers are not in order, then you should be incarcerated. Mr. Holder, who would like to decriminalize crack cocaine and he's worried about the prisons being too populated, but I mean, can you imagine five years mandatory for that?

We've been litigating a case called *Heller II* in the District of Columbia. After the Supreme Court victory in *District of Columbia v. Heller*, the District tried to make it harder than ever before to own a gun. So the steps that you had to go through to even acquire a gun became even more draconian. You've heard Emily's story.

One of the plaintiffs in our case, for example, was a guy that only wanted was a target rifle bolt-action 22 caliber. And he had to go through all – jump through all these hoops and take a course on handgun training to get a rifle. So that case, by the way, went up to the D.C. Circuit and it's backed down on the remand. The Court of Appeals, in a two to one opinion, ruled against this on the so-called Assault Weapon Ban, but remanded the case on the registration issues saying that there's no evidence been submitted that registration has any role in fighting crime or in protecting police officers. So those were the two reasons the District gave.

And then we get back into discovery in the lower court. We take Chief Lanier's deposition and we found out that the police never ever use a registration system when they go to a crime scene. I mean, why would they? A registered gun owner, that's probably a really criminal kind of person there. And probably you wouldn't even be going to a residence where you had a registered gun.

And we learned a lot – all the excuses they give for registration of guns, they all fall by the wayside because it's one thing to have Violence Policy Center, where the Brady people go and testify in a city council hearing about all the benefits of registration, but none of these actually are used for any purpose. So it's just a way to – I guess my favorite argument D.C. made back then, by the way, was that by making unregistered guns a crime, you can arrest people if you don't have anything else to charge them with. And that was even too much for the D.C. Circuit. They said that's sort of circular and we don't accept that reason.

So anyway, we can all walk out of here today feeling very glad that Emily's got a gun registered because I just – it makes me feel so safe.

I'm going to just touch very briefly on some of the litigation going on. We had draconian laws passed in New York State and in Connecticut and then Maryland. Maryland's not quite as draconian as the other two, but I think maybe my favorite one in New York is that at first, they passed the so-called Safe Act. It would ban magazines that would hold more than seven rounds. And then they found out that nobody makes magazines that hold only seven rounds or less for most guns that is. So Mayor Cuomo called around the manufacturers and say would you make seven round magazines, please. And they told them where to go.

So the way they amended the law was to say you cannot have a magazine that holds more than 10 rounds, but you cannot put more than seven rounds in it. And we've seen reports of the first people arrested for that offense. But there was an exemption for it if you are involved in competitive shooting or at a shooting range, you can put 10 rounds in it. But if you're at home and you have your gun loaded to protect your family and your home, then you cannot have more than seven rounds in it.

So obviously we're making the usual Second Amendment arguments. We're making arguments about vagueness and equal protection.

Heller, in the Supreme Court decision by Justice Scalia, basically formally the test is – is a firearm possessed – is it a type that's possessed by law abiding people for lawful purposes, and handguns obviously overwhelmingly passed that test, as do rifles and shotguns. The District argued at the time that, well, you can have rifles and shotguns, so you don't need handguns. And the people supporting the District, like the Brady center and others, said that rifles and shotguns are better for self-defense. Now, we find ourselves in a situation where the Supreme Court says handguns are protected, so we're litigating in New York. And the Brady center is coming in saying that, well, rifles and shotguns are no good for self-defense. So you have the opposite day, right? I mean, whatever we said yesterday doesn't count. And we can say anything we want. We can say things like rifles are – especially semi-auto rifles are the favorite tools of this or that kind of criminal terrorist, drug dealers, gangbangers, and you know, go down the list. And then you find that they're used less in crimes than any other kind of firearm.

So that's basically what we're doing now is litigating that issue. The D.C. Circuit had held, by the way, that so-called assault weapons, we don't agree with that word, by the way. That's linguistic manipulation. It's just a pejorative term made up to call something bad. Why don't you just call them murder weapons or guns that only really bad people like, or stuff like that?

And the definition changes daily. You know, there was the federal definition. It had to have two generic features. Now, it's been redefined in New York and Connecticut to have just one generic feature.

So by linguistic manipulation, you can basically do away with Second Amendment rights. Can you imagine doing that with any other topic? And in Connecticut, we even have a definition that if – it's illegal if you can – if you have at least one finger under the trigger finger when you fire it as opposed to, I guess, holding it like an old fashion straight stock. If you have a – can you imagine for Second Amendment purposes, doesn't that trivialize things a little bit? You got a finger that's not the trigger finger under the trigger finger. That's bizarre. But that's what we're litigating. And the defendants in these cases – Connecticut, New York, now Maryland – basically think that if they file briefs and the word “assault weapon” appears in every other sentence that they win. And we know basically also that the courts have been involved in massive resistance to the Heller decision and the McDonald decision coming out of Ohio because on virtually every issue, most courts are holding that, well, you know, it's such an important right, but you can't carry outside the homes. The word “bear arms” means nothing. There's a – cert. petitions being denied already over that. There's a new one in the Supreme Court coming from Maryland.

So – but I could ramble on a long time and I'd better be quite and let you hear from the master of statistics and data, something I stay away from. And John, go ahead.

MR. FITTON: OK, we'll give John a second while we let the screen come down and we have a presentation. We'll move aside, so folks can view his PowerPoint more easily. We just need to slide the chairs back here a little bit.

John and it's –

JOHN R. LOTT JR.: I hate to make everybody move.

MR. FITTON: Oh, that's OK.

MR. LOTT: We could probably talk –

MR. FITTON: Our lawyer guest is going to get killed back there.

MR. LOTT: Well, I can start talking while we're waiting for this to go.

MR. FITTON: The microphone – you can take out of the stand.

MR. LOTT: You know, as Emily and Steve have been talking, there's been – and Tom – there've been a lot of changes that occurred in some states and you've also had the federal government put forward different rules. I think one common feature that's occurred with these rules has basically been – it's been to make guns more costly for people to have. And my understanding, in the state of New York, for example, the average cost for going through a background check, through an FFL is supposedly like \$85. So it means every time you buy ammunition now, you essentially have to pay this flat \$85 fee.

In Maryland, the rules aren't set up yet for going through the licensing and registration, but people there tell me it's likely to be over several hundred dollars. In Washington, D.C., the "Washington Post" says it costs \$534 to go through the registration licensing process to go and get a handgun here.

And Colorado has new fees. You have other places. And I think the general point of this is they realize they can't directly ban guns. But what they can do is make it very costly for people to be able to have it. And I think one of the big impacts when you see the high fees in D.C. or New York or Maryland is the question's who's going to be priced out of being able to go and get guns. And my strong belief is it's basically going to be poor individuals, particularly poor blacks, who need the guns the most.

If my research convinces me of anything, it's basically the most vulnerable people in our society in terms of crime benefit the most in terms of having a gun to be able to go and protect themselves. And those are the very people that you're going to be pricing out of doing it.

So you have, you know, the administration stopping voter IDs in different places because they say even if a free ID is provided, somehow imposes an undue burden on somebody to be able to go and vote. But having to pay \$534 to go through the process, to go and get a handgun permit here in D.C. is not too much of a burden for somebody to be able to go and protect themselves.

I was just going to mention something about the registration, licensing, something that I've looked into over a number of years. And you know, in theory, if a gun is left to the crime scene and the gun is registered to the person that committed the crime, then you're going to be able to go and trace it back to the perpetrator. A few problems with that, one is crime guns virtually are never left at the crime scene. And the few times that they're left at the crime scene it's either because the criminal has been either seriously injured or killed. And so you're going to retrieve it anyway. And when they are left to the crime scene, they're usually not registered and if they're registered, they're not registered to the person who committed the crime.

And so whether you look at the data from Hawaii or Chicago or Canada or other places that have registration, I can't find crimes which have been solved as a result of registration and licensing. And so it's more than just the data for D.C. that you'd be

going into in the type of case that Steve is dealing with right here. Just say – I testified in Hawaii, in 2000, when they're talking about changing the registration process. The police chief for Honolulu said that it took them 50,000 hours a year to go and deal with registration that was there, 50,000 hours of police time, which could have been used in ways that we know police work to go and solve crimes in other places.

The problem is, you know, we're taking that away from real things that work and putting it into something where the police chief himself couldn't identify one single crime that had been solved as a result of registration, licensing.

And the other thing that was – kind of came to my mind when Emily was talking – I'll just mention briefly before I get to what I was going to say – and that is the scare tactics that are used here constantly. I mean, the president, for example, goes and says, 2 million prohibited people have been prevented from buying guns because of background checks. That's simply false. The correct terminology is – I mean, it sounds amazing, 2 million people. But the correct terminology is 2 million initial denials. There's a huge difference between saying initial denials and prohibited people prevented.

So for example, the late Senator Ted Kennedy, five times, he was on the no-fly list to go and fly. Now, he later flew, but I – presumably we wouldn't count that as five times we stopped the terrorists from flying. But that's – but that's essentially what the president counts –

MR. FITTON: (Inaudible) – Ted Kennedy.

MR. LOTT: Well, I don't know. Maybe you want to keep them from driving or something. (Laughter.) It is normally the joke I hear.

But anyway, you know, the point is but that's the way the president counts those initial denials when he's getting to the 2 million number. In fact, virtually all of those initial denials are false positives. And the question you run into then is when you've got 2 million people, there're going to be some people who really need to get a gun quickly for self-defense who were stopped from doing so. And that's a threat to safety because those individuals, then, who may have needed, not all of them, but some small percentage, really need to get a gun quickly for self-defense. And they're prevented from doing so.

But I could go through – I mean, Emily talked a little bit about the scare tactics, and I could go on for a long time about it. But – so there's basically this legislation and the common feature is just to make it costly for people to own guns, particularly poor people. But there's a lot of other things, since we're talking about the threat here. I'd just mention one general area, and that's what I think is a massive funding by the government and a lot of foundations to go and push what I think is pretty horribly done research on guns.

Mayor Bloomberg just gave \$250 million to the Bloomberg School of Public Health to hire 40 new academic positions. Most of them will be dealing with gun control issues. That's in addition to the eight people that they already have.

In January, President Obama met with the heads of 23 foundations that have been pushing health care, government control of health care, basically saying we've won this debate. It's time for us to focus on a new issue. And he argued and they agreed that the new issue should be gun control. So you know, over the last couple of decades, we've had Kaiser and the Wellness Foundation and others putting tens of millions of dollars into what I regard as bogus research, saying the problems with the American health care system and trying to push for Canadian type or other type of government control of the system.

Now, they're going to be putting those tens of millions of dollars into funding gun control studies by public health, and we could talk for a while about that. Just in the last couple of weeks, we've had several studies that have come out. Each one have gotten a lot of attention. And of course, the president, this year, has promised to spend tens of millions of dollars of federal government money on gun control research.

I don't mind people doing research. Research is great. But I just don't think that the president is going to be able to divorce politics from how they spend the government money in terms of deciding what type of research.

We're not talking about building a cyclotron someplace. We're talking about somebody getting some students or others to put together data. You run it on your computer. You know, you got software to do that. Regular academics can do that without having to have the government kind of put its heavy hand on determining what type of research that they want to go and fund.

Since a couple of the studies that came out in the last few weeks have gotten a lot of attention, dealing with international, I just thought I'd talk for a minute about that. Most of the discussion that we hear for these public health states, though not all, is looking at what we call cross-sectional data. So you know, in terms of normal parlance, people will say things like, well, the UK has relatively few guns, has low murders. One was to Piers Morgan, whose – Emily talked to and others. That you know, that's – and therefore it must be the gun control which is causing the lower murder rates.

Well, very few academics use cross-sectional data anymore. And there're real problems with it. I just give you a simple example. "New York Times," a few years ago, had this big study on the death penalty. And they looked across states and they said, look, the murder rate is higher in the states with the death penalty than the states without. So they – being the "New York Times" said, look, if anything, maybe even the death penalty causes higher murder rates.

Here's the problem. Let's say – well, first of all, the states that didn't have the death penalty at the time were like Alaska, North and South Dakota, Minnesota,

Vermont, mainly small relatively rural states. Let's say the high murder rate states are the ones that adopted death penalty. And the death penalty causes the murder rate to fall, but by not enough, so it's as low as the low murder rate states that never felt the need to go and adopt the death penalty. If I'm only looking across places then, it's going to – the death penalty states are going to have a higher murder rate even though the death penalty caused it to fall.

The only way you can really deal with this is to follow different jurisdictions over time and see how their murder rates change relative to what they were before the law changed, and how their changes over time correspond to those jurisdictions that didn't change their law.

And so – but I'll just – you know – I'm going to spend just a minute talking about the type of cross-sectional data that was talked about in those studies that just came out just because it is something that, you know, if you read the "New York Times," you would have seen this like 30 times this year. And there's something called the Small Arms Survey and it rates gun ownership, firearms per 100 people. And the United States is supposedly way out here at 88 firearms per 100 people.

First of all, I would have done it differently. I would have had the percentage of the population with guns, rather than guns per people, but that's relatively minor a thing. Switzerland is supposedly here at 47 guns per 100 people. And Israel is supposedly way down over here at seven guns per 100 people, just to give you an idea.

Has anybody been to Israel here? I assume you've been to Israel. You've been to Israel. Do you think they have seven guns per 100 people in Israel compared to the United States? That they're like 8 percent or so the gun ownership rate – gun possession rate that we have here in the United States? My guess is not. And the reason why they get to seven guns per 100 people is the fact that we just concealed people able to carry handguns in Israel, you've about 15 percent of the Jewish population able to do that.

Anyway, it's because technically the Israeli government owns almost all the guns. You can have possession of a gun for decades, but they don't count that as firearms per 100 people because the government technically owns the guns that are there.

If we want to talk about the risks of people having guns, that should your possession, you know, whether it's in your home, whether you're carrying it around, not who technically owns the gun or now. If you did that, you'd probably get a number that's going to be probably higher than the United States. You know, in Switzerland, they ended up really not counting any of the gun – this is 2007, before recent changes in the laws there – but you would have had people who were military age, 18 to 42, having weapons in their home, but the government would technically own those. Later on, you can purchase some when you left the military service, whatever. But none of those guns in people's homes were counted as firearms per 100 people. You put those types of numbers, you're going to get very high numbers. But even without fixing that type of

data, when you look at all the countries, you still get a negative relationship between gun ownership and homicides.

If you look at all the countries, United States is about here in terms of murder rates. Now, some of the countries with a very high murder – highest murder rates don't even count the data. So they're out of the sample.

If you look at just developed countries – and this is looking at developed countries without the United States. We're just saying what can we learn from other countries? You, in fact, again see a negative relationship between this measure – Small Arms Survey measure, gun ownership, and homicide rates.

The thing that happens, though, is that when you put the – so when you put the United States in, since it's way out over here and it's about up here, the United States just by itself pulls up this regression line. I don't know if any of you have had statistics, but when you run a regression, you're kind of minimizing the sum of the squared error. So something that's kind of an outlier that's really far out because you're squaring the difference there has a huge impact on it. And just that one observation by itself will pull up this line a little bit.

The things is, though, if you fix Switzerland or Israel, just those two by themselves would pull it right back down because they have very low murder rates compared to most other countries that are there.

But you know, most of the press and surely the "New York Times" doesn't ask how did you get these numbers. You know, they don't ask anything about the organization that puts it out and unfortunately, we don't have resources to combat this stuff in the sense that, you know, so much money is being spent on the other side to go and put this type of data together. If they can control how the data's put together, they can control a lot of the debate that's going on, because then everybody just – these are the only numbers out there and people go and use them.

So I don't like cross-sectional data. I don't think it's very useful. But I just wanted to show it to you. Now, I don't know how long you want me to talk. You want me to stop?

MR. FITTON: A few more minutes.

MR. LOTT: OK. So I just showed you something – one thing that's come up a lot – I mean, I could give you slides for lots of things. I just – Australia's come up in the debate a lot. They didn't ban guns technically. They have licensing and registration for different types of guns that were there and it may be harder to get many types. But the big thing that happened in '96 and '97 was a gun buyback. And it was a big buyback. They basically reduced the number of legally held guns by about a third, which is a big change.

The thing that's never talked about, really, though is that people could go out then and buy guns again. And it looks as if the gun ownership rate is about back to where it was before the buybacks. So you have the big drop and then the gun ownership rate is increasing faster than the growth in population. And so it's been increasing again.

So if you believe most of these stories that are going on, you know, John Howard that writes in the "New York Times" or other things said, when they talk about suicides with guns or other things, how it should have changed over time. You should have seen a big drop and then it should have increased. Well, here's homicides. You can see it's basically flat, get out about eight, nine years, it starts to fall some, not the drop and then the increase that they might have expected.

Here's armed robberies in Australia, a big increase right after the buyback, and then it dropped. Though, it's still a little bit higher than it was before the buyback, not the drop and then the increase that they would have predicted, the opposite.

Now, here's something that is true. There has been a drop in firearm suicides – it's the dotted line – after the buyback, but there're a few things to point. One is it was falling at virtually the exact same rate prior to the buyback. I can't really find any difference in terms of the rate. The second thing is over that same period of time, the non-firearms suicide rate fell by almost exactly the same amount as the firearms suicide rate fell. And the third thing is just a pattern. So it's falling at the same rate, but if this story was true, I mean, I – you don't need a machine gun or whatever – it's stuff they could have it to begin with – to go and commit suicide. One shot will usually do it.

And so you would have imagined the drop and then an increase. But instead, this is falling at exactly the same rate that it was beforehand.

So – and I could go on. This is for homicides. It's the same type of story. As I say, I've other graphs I could show you, but I think this debate is really just getting going. And the legal thing and the – and kind of the news media angles on this that our other two speakers have talked about are just part of this because, you know, you read something like Judge Posner's opinion in the Seventh Circuit, striking down Illinois concealed handgun ban. And what he did was he went through the academic literature. And he said, look, the state of Illinois had to show that there was some damage to citizens from allowing concealed carry. They didn't show it.

Posner basically went through the literature. He said the worst that opponents can say is that there's no bad effect. And that wasn't enough. But you read things like Ginsburg decision in Heller II, when I read his decision in there, sending parts of it back to the district court, it was almost a plea, I thought, on his part – inaudible – 00:39:02 to go and ask for some type of evidence because he would say in parts, you know, the District claims x. We don't really have anything on your side. I'm going to basically accept what the District has said.

Now, maybe he would have accepted it anyway and maybe not everybody kind of takes the balancing test in terms of intermediate scrutiny in the same way that Posner does, though I think Ginsburg is kind of an economics-oriented type guy. And I think he would have taken it.

But – and I could go through for a long time about the problems with the public health stuff that are there. It's kind of really antiquated statistics. You know, makes these types of problems with these cross-sectional comparisons that I was talking about, and I could go through lots of other things during the question period. You know, these claims about the risk of having guns in the home is just one good example of that. But I think we're – just like with the health care debate – they have put out study after study after study, and it was kind of like Chinese water torture. And this is just getting going and we're going to be seeing a huge amount of this. And somehow, this has to be countered in some way. So, anyway, I appreciate your time. Thank you very much.

MR. FITTON: Thank you. We'll put the screen back up and we'll begin – we'll continue our discussion amongst ourselves.

As you all are settling in, you know, what strikes me, you know, looking at this issue, and it's reaffirmed by your presentations, is about how little gun control has anything to do with crime. And it doesn't strike me there's any good evidence based on what I hear here that there's a correlation, and that I think the other side, if put to the test, would probably agree.

So if everyone agrees – I shouldn't say everyone agrees – but if it's pretty clear that it has nothing to do with crime control, then why the obsession with gun control by the left in your – in your view? John, you can take that first if you like.

MR. LOTT: Yeah. Look, I mean, I'm an empirically oriented guy. To me, the bottom line is safety stuff. But I've talked to enough people on the Hill who are Democrats. I think, here's – if you look at polls, I think the one issue that most differentiates –

MR. FITTON: Use the microphone. Yeah.

MR. LOTT: I'm sorry. If you look at polls, the one issue that most differentiates liberals and conservatives is gun control. It isn't abortion. It isn't taxes. And I think liberals generally like to have government make decisions for people. And conservatives or libertarians are much more willing to let individuals make those decisions.

And when it comes to guns or weapons generally, you know, whether you trust individuals, it's kind of like the extreme outer bounds there with regard to weapons. You know, you don't want to trust them to make health care decisions – I mean, God – you know, it's – the notion of trusting them with weapons is like a couple of standard deviations farther than that.

But in my talking to people over the decades, I have this impression that Democrats view – unions are to Democrats as gun owners are to Republicans. For example, I don't think the Republicans would have taken the special – you know, the recall races in Colorado, obviously, if it wasn't for the gun issue that was there.

And let me give you an analogy that I think it's occurring. I support vouchers for education and I support – or the main – virtually, the only reason why I would support them is because I think competition improves the quality of any product, and education is very important. We should have hard-quality education.

Now, as a completely – as a side effect of that is if you had vouchers or tax credits, you would get rid of the public teachers' unions. And if you got rid of the public teachers' unions, I think it would have a major impact on the political debate in a lot of this United States. I mean, you just go and look at, you know, the percentage of delegates at the Democratic National Convention that are public teachers. I mean, it's a huge percentage, you know, a third in some years it seems like. And, obviously, they fund a lot of the Democratic campaigns. So you had vouchers for whatever reason you're doing it, it would have an impact in other ways in terms of the political – it would hurt Democrats. And I think that's one reason why they oppose it so strongly even though their opposition hurts kids.

Now, the same thing is true with guns though in the sense – at least I think from the way that Democrats view of this, and that is they think that if they can reduce gun ownership, and they see the same polls and stuff I'm sure I do or others do that, you know, whether you grow up in a hunting family or other types of things – in fact, the probability that you're going to have guns, if they can do those things, you know, or just make it costly with all these taxes for people who owned guns, then after some period of time, people are going to be less familiar with them. It's going to be easier to have the type of scare tactics that Emily was talking about before. People would be less independent and you'll weaken kind of the natural support that the Republicans would be having on these things.

And I think, well, Democrats I'm sure sincerely believe that the policies that they're pushing make people safer. And, you know, I wrote a whole book on why people believe the things that they do about guns. I think that they also support it. And one of the reasons why they keep going after it so often is that they think that it's one way to go and weaken their political opponents in the long run. So anyway, that's my answer to your question.

MR. FITTON: Steve, what are you thinking? You've been dealing with the lawyers for the other side, seemingly a disingenuous bunch based on your description earlier. What's the motivation of big gun groups and the politicians allied with them?

MR. HALBROOK: Well, the goal is to reduce gun ownership. Take the recent decision, U.S. Court of Appeals for the Fourth Circuit about Maryland's carry law. The other states in the Four Circuit, that would be Virginia and the Carolinas and West

Virginia, we have shall-issue carry for handguns. You meet certain requirements, you get your permit. Maryland has a good and substantial reason test so-called. You have to convince law enforcement authorities that you have a good and substantial reason. And just because you have a constitutional right does not mean that you have a good, substantial reason.

So in the opinion, the court explicitly talked about reduction of the number of people carrying handguns as the reason for upholding this test despite the Second Amendment. So there you had the court itself agreeing with that, that as a manner of so-called public policy, we should reduce handgun carriage.

But courts have made excuse lists for a long time, just to use the Fourth Circuit as an example. Back before Heller and McDonald, there was a case that said the Second Amendment right of the people to keep and bear arms really means the collective right of states to maintain the militias so it's not about individual ownership. And then, that was followed by another case where upholding the old good and substantial reason test in Maryland because the Second Amendment doesn't apply to the states. And then we get Heller and McDonald saying it's an individual right and it applies to the states.

And guess what? The Fourth Circuit says that, well, yes. An individual right applies to the states, but there's a public interest in reducing handgun carrying. And it gave a statistic for that that Maryland has a high murder rate, higher than more states, and even rank Maryland in terms of murder and armed robbery and some other things, which made me think, that sounds like you would want law-abiding people to carry handguns, but no. It means that law-abiding people should not carry handguns. And they always use things like guns on the streets and they never distinguish the law-abiding people from criminals.

So this is just an example of how the judiciary will basically attempt to nullify Supreme Court decisions they disagree with. We saw this in the Lopez case on the Commerce Clause back in a decade and a half ago. So the fact that it's recognized as a constitutional right doesn't mean anything. You've got Justice Ginsburg saying that it's irrelevant and outdated and telling Egyptian TV that don't – whatever you do, don't adopt the U.S. type constitution. So it goes back to what Madison talked about in the Federalist Papers, the European monarchies are afraid to trust the people with arms and we do trust them here and that's why we won't have tyranny. So it's the same debate. It goes back from – it goes back to the dawn of civilization about whether you trust the people with arms.

MR. FITTON: Emily, you've been because of your book I'm sure in a lot of more public debates with advocates for gun control. What's your take on what's moving them and is there a good faith behind? Do they really care about the public safety or is it a power trip as conservatives suspect?

MS. MILLER: Well, first of all, I think the biggest issue with – two groups, the gun control activists, the Brady Group, Mayors against Legal Guns, which is the big one

now, Bloomberg's group, that is about going back to what both John and Steve said is lack of trust of the individuals to be responsible enough to get your guns. They actually believe that we don't know how to train, that we will shoot ourselves, we will shoot somebody else, or we're going to have this Wild West shootouts. And that's their theory.

And it's a political philosophy and it's not so much Democrat-Republican, because we saw on the Senate the recent bill, President Obama's bill on universal background checks didn't go through. It was the Democrats who wouldn't pass it. But it's a more socialist political view.

And I interviewed Governor Rick Perry of Texas in my book about President Obama and his political philosophy on gun control, and I said – you know, Governor Perry obviously was the most pro-Second Amendment candidate in 2012 and was very open about it. And I said, you know, what do you think his philosophy – where this is coming from? And Governor Perry said that – he said, look, I got in a lot of trouble in 2012 for saying this, but I'll say it again. He's like, Barack Obama is a classic central control socialist – I'm going to keep up my Texas accent when I do him – classic central control socialist. And they believe part of that philosophy, which is control of health care, control of our taxes, more money in government, more money in Washington, but he's like, and part of that is a disarming the populous. That is that political philosophy.

And I think that's where this comes from. It's a far left political philosophy where an armed populous is a dangerous place because the government has less power, which is, obviously, the founding fathers, as Steve said, fully intended that opposite. To prevent tyranny, we needed to have an armed populous.

But the other big group of people who are advocating for gun control, it's not about a political philosophy. And I would say those are the liberal media and that's not our political philosophy. That is – well, possibly, it's their kneejerk liberal philosophy, but it's also a complete lack of education, complete lack of use of facts.

As you're saying, I'm really constantly sort of having to deal with these people and educate them I think in some small way. You know, when I went on Piers Morgan's show recently and he said, as if fact, didn't even pause, the more guns there are, the more gun crime there is, blah, blah, blah. And he kept talking and I interrupted him and I said, no, Piers, that is not true. Gun ownership is at the highest rates it's ever been. Gun crime – all violent crime is down, but gun murder specifically – the murder rate has gone down 50 percent since 1993 and 2012. And he just completely changed topic. He said, why are they letting blind people have guns in Iowa? You know, because you could talk about the actual facts of that. It's true. It's (the blind ?) people. You know, he wouldn't continue on because I broke up his entire push, which is more guns – or this is John Lott's book, "More Guns, Less Crime." Did I get it right? Not backwards? "More Guns, Less Crime."

So this continual push in the liberal media to confuse a public combined with the White House and the anti-gun groups doing it, and unfortunately, although those of us in this room know these facts, overwhelming majority of Americans do not.

And Pew did this poll in May, which I thought was so telling. And it asked people, do you think gun crime is up? And they asked in different time periods, near time, five years, 10 years, 20 years. Eighty-eight percent of the public said gun crime is either up or the same. That means, to put a point on it, fine point on it, only one out of 10 Americans know that gun crime is down. And I equate – I think the reason for that is they get their information from liberal media, which continues to say things, like Piers Morgan will openly say, more guns more crime.

And other – you know, I was on Anderson Cooper's show and one of his panelists – I'm sorry – all five of his panelists kept saying, mass shootings are up; mass shootings are up; mass shootings are up. And I interrupted. And I said, based on what? And one of the panelists – (inaudible) – said, based on the fact that they're happening all the time. And I was like, OK. Well, let's base this on a real fact. It's called the Congressional Research Service. It did a report in April that shows that mass shootings are not up or down in the course of 30 years. They pretty much are even. They're very hard to prevent because of the unpredictability of them, and they count for about 18 innocent lives a year. So all five of you on CNN cannot sit around and say that mass shootings are up on any factual bases. And that's a cause for this large misconception in the public on the gun ownership and gun crime.

MR. FITTON: Steven, I see – I noted that Jerry Brown vetoed the massive push for more gun bans and regulation while I guess signing a law that would have prevented illegal aliens from accessing guns or requiring you to keep a gun under lock and key if you have an alien resident with you, it doesn't seem to me, despite all the press noise – and, you know, we kind of alluded to this in the beginning that the other side is necessarily winning on this. However frustrating it is in terms of the media narrative, the sides – these kind of these liberal states passing really absurd gun restrictions, they're not getting much traction otherwise, even in a place like California. What's your take on that? Are the battles increasing, John and Steven, in terms of – is the threat increasing or decreasing?

MR. LOTT: I don't know. If I'd say that they're – I think it's kind of a draw right.

MR. FITTON: It's a draw?

MR. LOTT: Myself, I mean, you have some states, Texas made it easier to get a concealed handgun permit or something, but, look, they passed a ban on led hunting, you know, rifle bullets in California. They had lots of regulations go into effect last year. You know, if it costs \$85 each time you go and buy ammunition in New York and if it's going to cost over several hundred dollars to license and register a handgun in Maryland, I think you're going to be have a big drought.

Look at Massachusetts. Massachusetts, in 1998 had about 1.5 million legal registered gun owners in the state. Now it's down to about 200,000. They've had an 86 percent drop in the number of legal gun owners in Massachusetts since 1998 as a result of the registration system there. Now, I think it's a bigger drop than you'll have in other places, like Maryland. But, you know, because they – you have to get approval from local police. In some places, like Boston, is basically impossible to get approval. But, I mean, I think that's their goal.

By the way, Massachusetts crime, violent crime relative to its neighbors has gone up fairly dramatically right after the licensing and registration rules that they had there went into effect. But, you know, you can point to some states where things have gotten easier. I think this year it's been a loss in terms of on net the effect of the states that have made it much more difficult to get guns versus the states that have had some marginal changes. I mean, Texas, I think lowering its length of training from 10 hours to four hours could result in a couple of hundred, maybe 300,000 more people getting permits each year than you would have otherwise. But, you know – and there are some few other states that had changes. But I – but, you know, I don't – this is a battle that's going on all the time.

So I don't – I'm not super optimistic on these things. Over the long run, over the last few decades, at the states, it's become much easier, and sure we got rid of the federal assault weapons ban, which was good. But, you know, this is something Steve could talk about.

I think if you look at the Supreme Court, I mean, we had five-four decisions where the Supreme Court was willing to say, a complete ban goes too far. I mean, for not willing to say complete ban goes too far, then it would have been completely meaningless, but you read the dissent in McDonald. You had four people essentially saying – four justices saying that they didn't believe that there was an individual right to self-defense, (let alone ?) an individual right to have guns for self-defense. And Kennedy and Scalia are going to be 80 by the next presidential election. You know, you look at actuarial tables. There's at least reasonable chance these guys aren't going to make it until then. And you lose one of them or one of the other three votes that are there, you're going to have radical changes.

I do want to make one quick numbers question. Steve brought up the point – Steve brought up the Maryland concealed carry case. To me – and I read these things in New Jersey and other places, New York cases, and I just don't for the life of me understand why we don't bring up direct evidence, at least at appeals court level that responds to these things. So like they'll say, the concerns that they keep on bringing up is it's important that police have discretion in these rulings to ensure safety. Well, there seems to be a very simple piece of evidence that could have been provided for that: look at the revocation rates for permits in the states with and without discretion. I don't think it's any lower. In fact, I think it's probably a little bit higher, from what I've seen, the states that have discretion versus the ones that don't. It seems like something like that

would directly deal with them. And I'm not sure I understand why that type of evidence is not ever brought up in those cases, why the lawyers in those cases don't bring it up.

MR. FITTON: Stephen, answer his legal question if you care to or if you want to. Also, give us your view of the legal landscape in terms of the general positive or negative trends.

MR. HALBROOK: I think a lot is brought up in cases that you never see in the opinions because if it's against what the court wants to say –

MR. LOTT: No, no. I'm reading the briefs.

MR. HALBROOK: Yeah. But anyway, go back to California, like why did the governor veto the semi-auto ban, for example? First of all, California already had some of the most draconian gun bans of any state in the country. They went – they passed the first so-called assault weapon ban in 1989. They kept ratcheting it up and changing the definition to encompass more and more guns. And I think had they – had the governor signed this bill, which would have banned all semi-autos with a detachable magazine, that would have been so many more guns and so many more constituents who would have been affected and who would be potential felons that it was unacceptable.

But if you look at what he did sign, it's a ban on magazines that hold more than 10 rounds. They haven't been – possession hasn't been banned before now. Transfer, manufacture, import into the state had been banned in California for magazine holding more than 10 rounds. But there's hundreds and hundreds of thousands, maybe even millions in existence, maybe even in California by itself, where law-abiding people possess them, because nobody ever said magazines were evil, wicked, mean and nasty until – well, until 1994, the federal ban. So, you know, I don't know how many favors he was doing by signing what he did and vetoing what he did.

The ban on use of lead in hunting is major, major. It's huge. Then you try to force industry to walk the line between finding other metals that are heavy and that are effective on game and violating the armor piercing ammo bans.

But then, for all the publicity in these states, if you look around, it's always the same usual suspects. Most states in the country, as John pointed out, have shall issue carry licenses, the overwhelming number. And even Illinois, after Posner's decision in "Moore vs. Madigan" invalidate their law as unconstitutional, even though he gave the legislature six months to fix it. That's kind of a weird constitutional right that it's OK to violate for six more months. And they got extensions. And now they're saying it's still going to take nine months to get it set up.

But believe it or not, they passed the law and they defeated the magazine and the assault weapon ban proposals in Illinois, so we still have the same states, the usual suspects – New York, Connecticut, Massachusetts, California, and very few others who have passed this kind of draconian legislation, which tells you a lot about the American

people and also the way many Democrats are in rural states, like Colorado is an example but with the recall election that was successful. So I'm optimistic about the political process.

I know – I don't think it's an idle threat that the sub-title of Emily's book, "Obama Wants to Take Your Guns," he really would like to do that, but he hasn't had the power to do it. So what does he do? He has these presidential initiatives, like the big – what was it – 21 or 22 of them a few months ago, it's like why don't we figure out what is illegal under the Gun Control Act, felons and all that? Well, that's been the law since 1968. Why don't we nominate an ATF director? Well, they've had power to do that all these years. And then they come up with a month or two ago, let's keep military grade weapons off the streets. And that was a ban on importation of M1 Garand rifles that are this big and weigh a lot and shoot only eight times. And probably none have ever been used to hold a 7/11 in U.S. history. So these are his initiatives. And they're kind of puny, yet would like to do a lot more.

MR. FITTON: Emily, you know, President Obama has changed politics a lot here, and issues that used to – we used to think not worked for the left, he's been able to make work by more directed appeals, I think some would argue. You know, I'm always surprised when I get my e-mails, I get my e-mails from Obama for America, or Organizing for America, whatever the latest iteration is, and how even despite the failures in Congress, he's still continuing to push the gun control message.

What's – I mean, do they see – are you seeing from your vantage here in Washington any political benefit for his political coalition here?

MS. MILLER: Yeah. Well, Obama – obviously, you did not hear the word gun come out of Obama's mouth in the first term he was in office. And that's because you can't win a national election being anti-gun. You just can't in this country. Over about half of the families in this country have a gun in their home.

But Obama made a lot of promises to his constituents and his far left base. I mean, we've heard reports that he said to Sarah Brady in his first term, be patient. I'll take care of this. I'll get gun control but not until after the election. And we know that Dianne Feinstein had her staff go out to ATF just a week before the reelect to start drafting her new assault weapons ban. So it was all along a plan to appease his far left base because, as John said earlier, I mean, nothing appeals to them more than gun control, the ultimate control, and that's our liberal philosophy. I mean, if you can control everybody's arms, the government is the only one that can control a populous.

And so he waited until his second term. He waited until he was elected. And, sadly, I think horrifically, he just exploited this tragedy at Newtown for his own benefit, but I think he always planned to do this. And it does appeal to his base. I mean, the Nancy Pelosis of the party like this. And so I do think that this is a payback for being patient with him in the first term.

And it is a long-term political philosophy. When you go back to 1996, when he first ran for the Illinois House, he filled out a questionnaire that asked whether he supports the complete ban of handguns, Obama said, yes. Now, later, he said he didn't actually write it and he didn't actually see it and maybe it somebody else's handwriting. But even four years later, in the same questionnaire, he only wrote he would support the complete ban on handguns except for it just wasn't logistically possible.

So it's a long-term political philosophy and desire. And now that he never has to run again for national office, he's able to, one, pursue it, and two, push back on his enemies, opposite – help his constituents.

And I think the biggest factor – and I said this earlier – the biggest factor you have to think about this in gun control that's changed dramatically everything is Bloomberg's money. He has spent – he wrote a personal check for \$325,000 for the Colorado recall, plus supporting all of these gun groups.

MR. LOTT: The first check.

MS. MILLER: I mean, I'm saying it was up to 3.5 million (dollars) later.

MR. LOTT: That's his first check. Yeah. Right.

MS. MILLER: But the personal, not through the groups, from his – I mean, can you imagine having a check that would clear? But I must see his bank account. But you just can't underestimate because he is still running ads and he's going to continue to still running ads –

MR. LOTT: Twenty-seven million dollars.

MS. MILLER: Right, \$27 million so far. It's nothing to him. And so they believe that if they keep running ads against these, what they consider weaker Republicans or Democrats in the Senate, that they can push their agenda through the Senate. And it is very difficult politically for people, senators who are facing these kind of ads because then they have to spend a lot of money to defend themselves. Yes, I'm for background checks. Yes, I don't want to prohibit people from getting guns. So the Bloomberg factor I think is the biggest one that empowers Obama to continue this agenda.

MR. FITTON: Well, we're running a little bit over time. And I'd like to have you all conclude perhaps with a look forward, you know, what are the things we should be looking at in the gun debate from your perspectives and things to be looking at in the courts, from politics or in the general debate. And I will start with John.

MR. LOTT: OK. I'm trying to think of what we haven't talked about so far.

MR. FITTON: Obviously, you've been talking about the impact of the Bloomberg group on debate. Are they getting traction? I mean, we've often seen the left spend a lot of money on issues that go nowhere for them. Is this something that they're getting traction on in terms of changing debate? How successful have they been? Will they –

MR. LOTT: Well, I think, as I was trying to say, I think this is a long-term strategy. I mean, Bloomberg has \$27 billion at least. I don't know. I'm sure stock value changes somewhat over time, but at least as of six months ago, that's about what he had. And, you know, the \$250 million he's putting into the Bloomberg School of Public Health, Hopkins is just part of what he's doing. You know, Emily's mentioned Mayors against the Legal Guns a couple of times. I mean, they're putting out reports, as she mentioned, and they're funding other things that are going on. And so, you know, you look at the NRA budget or whatever and I'm sure they're spending a lot more. I mean, I can't imagine.

And the thing is it's given credibility in the press. And so – you know, they may have this bus tour that goes around which basically have 10, 15, 20 people show up, but yet, it still gets coverage in these areas when they occur.

And, you know, I just – I think you're going to see – my prediction is you're going to see – just like with the health care. You go back and you're looking – you saw these foundations, Kaiser, Wellness, whatever, putting out these studies month after month, week after week sometimes. And you're going to see the same onslaught. It's going to be more in terms of gun studies that are going to come out.

I mean, personally, I look at these things and they put them together in an afternoon. I mean, you look at – you have like 50 states, spend a couple of hours getting a few variables together, running regressions in a particular way. My question to them, well, you get tired after getting the data together after a few hours and decide to write it up? I mean, I can't even imagine doing research on this tiny of a scale and not trying to account for lots of important factors and not dealing with panel data and things like that. But, you know, they keep on variations on a theme with the same data.

But the press is going to report on it. And I'm worried that it's going to affect the courts, because even if we don't put up data on our side in these court cases usually, they don't have it. You read their briefs in any of these concealed carry cases. They spend like half their briefs – I'm not just looking at the opinions. You look at the briefs – they spend half of it on public safety claims. And I'm not saying we need to do a lot on those things, but even just a sentence or two many times as to say, and the reverse is true, would be useful. But, anyway, I think it's a long-term battle. I think it's going to get tougher rather than easier.

MR. FITTON: Steven, any predictions or things we should be looking for?

MR. HALBROOK: Well, I like to look at this with a long-term perspective in human history. They were having the same debates in ancient Greece. You had Aristotle wanting the polity with balance in the commonwealth and the armed citizen and all of that. And you had Plato with his philosopher kings at the top and auxiliaries armed bodies of men in the middle, and all the stupid people at the bottom. And it's the same pendulum that goes back and forth in history. We win sometimes, they win sometimes. And you just have to keep fighting.

I didn't know whether there would ever be a Supreme Court decision in our favor in my lifetime. I wrote the first academic book on the Second Amendment in 1984. And I had no idea. I mean, I was sitting in the oral argument and filing when Kennedy said, well, weren't the original settlers hunters and didn't they have to have their own guns because there weren't police, and to protect themselves from grizzly bears? And he didn't know that grizzly bears are not eastern of Mississippi but everybody knew at that point we had Kennedy's vote and we knew that was necessary to win. So we get these two wonderful opinions and then we have courts try to negate them.

But we had the same thing before those opinions. We had courts saying that what was clearly the text of the Second Amendment, the right of the people to keep and bear arms shall not be infringed and that ruling meant only states and they had only powers, not rights to maintain militias, and the modern militia is the National Guard, and blah, blah, blah.

So we've had this battle – I mean, we're in a better position than ever before at the state level for those minority of the states that have total disrespect for Second Amendment rights. We're probably at the worst level we've ever been just in terms of California – did you know, it used to be a crime to register a long gun in California if you were a public official and wanted to try to register long guns, and now we have total registration of long guns in that state? There are so many felonies. You can go to prison for a long period or at least have all of your civil rights taken away because of exercise of a constitutional right.

So there's the good, the bad and the ugly about this story, and including about the future, I think it's pretty incredible. Dianne Feinstein tried her stuff, tried to exploit one of the horriblest (sp), worst tragedies we've had in U.S. history in a long time. And then it just – it dissolved.

And you had Ted Cruz holding up a plastic pistol grip, like this is really dangerous, isn't it? You know, like it's four inches long about and it's about two inches wide and it's a piece of plastic, and you're telling me that that transforms a rifle into some kind of murderous killing machine that its only purpose is to kill as many people as quickly as possible. So we're beyond a lot of that debate. I mean, we succeeded even in preventing the Manchin bill from passing about trying to make it a federal crime to trade guns without a background check.

So I'm optimistic and I'm pessimistic. It depends on which state we're in and what's happening I guess. But I think for most states, we can look up and for that smaller number of states that are very important that the people are really suffering in terms of lack of recognition of their constitutional rights.

MR. FITTON: I guess the NRA should change the – remove the eagle from its logo and put the grizzly bear there instead, given Justice Kennedy's comments.

MR. HALBROOK: It would be an honor to Justice Kennedy.

MR. FITTON: Right. Right. Emily, what do you think is going on and what should we be looking for?

MS. MILLER: I agree that – I mean, the future right now is going to be in the courts because – if you just look at the state laws that have passed this year, Colorado, New Jersey, not yet Massachusetts but they will, Connecticut, Maryland, New York, all of them are being challenged in court. Some of these plaintiffs are amazing. I mean, you've got almost all the sheriffs in Colorado. And it's just really some powerful ones.

But what's unfortunate, and I was in Colorado recently and met with the recall organizers a lot of them, and it's amazing what they did. Against all the money, they're the first statewide, first time in Colorado history, they recalled a state office holder, two of them – one of them was the Democratic Senate leader. On top of that, they're in Democratic districts and they had Republicans elected. I mean, it's against – and they're outspent five to one. I mean, it was against all odds. And it just proves to you where the American people are on the right to keep and bear arms. I mean, this is what we feel so strongly about. This is our culture and this is, you know, our constitution.

That being said, the unfortunate thing is constitutional rights are very easy to lose. They happen like that. We've had in five months this year, five states lost their constitutional rights, and very hard to get back. It takes years. Like Steve said, the Heller decision, which got me the right to own a gun and McDonald, I mean, there's a 30-year gun ban in D.C. before the Supreme Court finally overturned it. That's a long time. I don't think the states will be that long, but, eventually, the Supreme Court has got to take up two things we all talked about: the right – whether the right to bear arms is absolute and whether these may issue states can keep deciding who can carry a gun, and what is common use, and can you ban guns that have over 10 rounds or ban guns that have the scary pistol grips we've all talked about. And, as John said, we're all a little worried about the health of say Scalia in particular.

And I went up to him – I put this in my book – I went up to him, met him at the White House Correspondents Dinner. I had never met him before. And I was like super fan. And I said, you know, thank you so much. You gave me the right to have a gun and thank you so much for writing Heller and it's my favorite decision, as if I've read like a lot of decisions, my only decision. But I was like – but it's readable. It's actually – I would say to people, if all laws were like that, we all could understand it. But I said, I

just hope you're staying healthy, sir, because you've really got to take up these cases soon because I want the right to bears arms and a lot of other states do. And Maryland has these crazy laws and all these other states. And, jokingly – and my friend, Shannon Bream, is a Fox correspondent who covers the Supreme Court for Fox News, we went along – and introduced me to him, went along with this and I was like, I hope you're, you know, eating well and exercising regularly. And then – and he was laughing. He was like, I am, I am. And then Shannon points in his tuxedo pocket at the cigar sitting there. And she's like, what's this, your honor? And he's like, only on special occasion.

So I do think it's all going to come down to the courts. I mean, I don't think we'll see that many more states, probably just Massachusetts, pass more gun control this year, post-California. And, you know, the Senate, it just depends on how much money Mike Bloomberg spends to get other votes on.

MR. FITTON: Well, you know what? It strikes me from Judicial Watch's perspective that a lot of public policy debates are rackets and that the law doesn't matter to those participating in the public policy debates. I think we're going to see that with "Obamacare" and backdoor national registries through gathering information about gun ownership through doctors and then transferred into federal government records.

You see that with President Bloomberg – I guess I'm getting ahead of myself. But, you know, his having all that money wasn't good enough. He, it seems to us, that he wants to use taxpayer money to fund his lobbying effort. And we've been suing and investigating over that. And we've actually confirmed that going on down in Orlando.

So there is corruption associated with, as I said, this disingenuous absurd effort to regulate guns as has been proposed by the liberal left. And that's something we should pay attention to, especially given the president's propensity to rule by fiat as opposed by following the rules and following the law.

We've been very lucky to have the guests that we've had here on the panel, John Lott, Steve Halbrook, and Emily Miller. You can find out more about their respective activities on the Internet. And Emily Miller is at WashingtonTimes.com. Her book is "Emily Gets Her Gun" is on Amazon.

Steven, how can folks learn more about what you're up to? What's your website?

MR. HALBROOK: Oh, it's StephenHalbrook.com.

MR. FITTON: Oh, that's easy to remember.

MR. MILLER: We need to get Steve on Twitter. John Lott and I have been trying to get him on Twitter.

MR. FITTON: And you can read about his legal work obviously in newspapers as decisions come down in New York and Connecticut.

And, John, how can folks learn more about you and get your information and books and such?

MR. LOTT: Well, johnlott.com, and also CrimePreventionResearchCenter.org are two places. And my books, just like Emily's or Steve's are on Amazon or Barnes and Noble. You know, "More Guns, Less Crime" and "The Bias against Guns."

MR. FITTON: Well, great stuff all. And, again, I appreciate your time and your sharing your expertise with us here and on the Internet. And those of you on the Internet will be gathering this video and posting it and we'll have written materials to follow up on this issue as well. So contact us through our website at JudicialWatch.org.

Thank you every one very much. Have a great afternoon. (Applause.)

(END)