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Stephen Gutowski

All right. Welcome, ladies and gentlemen, to another episode of the Weekly Reload Podcast. I'm your host, Stephen Gutowski. I'm also a CNN contributor and the founder of TheReload.com, where you can head over to our website today to stay up to date with what's going on with guns in America. You can subscribe to our free newsletter, or you can buy a membership that'll get you exclusive access to hundreds of pieces of analysis and reporting that you won't find anywhere else.

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Stephen Gutowski

It'll also give you the ability to be on the show and to ask questions. Coincidentally, in our Q&A episodes, because this is a Q&A episode and all of the questions we have come directly from Reload members, got with me today. The one and only Jake Fogleman, our contributing writer. Welcome back to the main interview episode. Jake, thanks for joining us.

00:01:10:08 - 00:01:20:19

Jake Fogleman

Yeah, good to be here. I always enjoy these, Q&A episodes. We do them, you know, periodically to hear from our members. And they always seem to ask really great questions. And I know you and I enjoy, diving into some of the questions they ask.

00:01:20:21 - 00:01:51:09

Stephen Gutowski

Absolutely. And, this week we, unsurprisingly, I think, are going to start with some questions about the NRA. We just had the remedies phase of the New York trial conclude, sort of wrapping up, almost almost wrapping up. There's still a little bit to go here as we discuss on the The News Update podcast, which came out last Friday, but was also filmed like a couple minutes ago to give you a peek behind the scenes here.

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Stephen Gutowski

but, the the trial's almost over after more than a half decade of this. maybe even more, really, if you sort of the first big story on NRA, corruption issues came out in 2018, that the Wall Street Journal. So, yeah, I'm it's really six years, I guess. Pretty wild how long it's been. But now we're at the end phase of this.

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Stephen Gutowski

And the judge ruled that the NRA will not get a court appointed overseer or monitor, as the New York attorney general had requested, and that we now here will be banned from working for the group in an official fiduciary role for the next ten years, but also, he's left some more potentially significant reforms, up for discussion before he decides exactly what to do on them.

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Stephen Gutowski

So, that's where we're at right now, just to give people a quick update on that, but we have a couple of questions from members on this front. Right.

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Jake Fogleman

That's right. I'm going to start with the second one on the list, because it kind of deals directly with, sort of what you just lead off with, with sort of where we're at in the trial. this comes to us from club member Bob, and he says he's unclear if the NRA has made sufficient changes yet to prevent a repeat of sort of the malfeasance of the last you, you know, five years or so.

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Jake Fogleman

he says he notices that there's some new folks on the board. Obviously, we've covered the reformers that got elected. but he also knows that there are still some longtime Wayne Lapierre loyalists still in positions of power. And he asked, is that true? One and then two. He asks, is there any does he he wants to know if we think the organization can be trusted to not repeat those things, or is there anything in place preventing that from happening again?

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Jake Fogleman

So what do you think on that, Steve?

00:03:33:23 - 00:03:53:17

Stephen Gutowski

Yeah. Well, you know, certainly, we'll do our best to give you guys what our view of, where things are at. But people have to make up their own minds as to whether they want to support the NRA or what. you know, that's kind of how we want to approach things at the reload, right? we're here to report to you, and then you guys, can can make up your minds about what to do.

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Stephen Gutowski

But on this front, there are several, Wayne Lapierre associates. I guess you would call them, the reformers, some of the reformers, the more aggressive ones. Phil Journey and Jeff Max, would call them the cabal. That's what they call sort of the old guard people at the NRA for years now. and yeah, those are include people like former NRA president Charles Cotton, David Coy, current NRA president Bob Barr, would be folks on on that list that are still in positions of significant influence within the NRA.

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Stephen Gutowski

Obviously, Bob Barr is literally the president of the NRA. That was, you know, interestingly, during the election, the leadership election, there was a slate that came out from the nominating committee, which was has been controlled at least up to that point by eight year more old guard, sort of, NRA leaders who, you know, were much more supportive of Wayne Lapierre than a lot of the reformer, folks like Journey or Rocky Marshall or some of these other, guys.

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Stephen Gutowski

And they they put out a slate of leaders for this leadership election, you know, the nominee. That's how it usually works. Generally, the nominating committee picks a slate of people to fill the president. The NRA has this weird system of president, first vice president, second vice president. And they've got, you know, secretary and treasurer and, but they, that would be put up and then that would be the, the group that wins.

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Stephen Gutowski

And there isn't for a very long time, there was not much opposition and there were no real stakes in these leadership elections. Once the nominee, the suit decided, committee decided that that was kind of what was going to make it through. And then you had a couple of attempts over the last five years that sort of doing show votes to put somebody else up who never won until this May, when the reformers ran their own slate against the nominating committee.

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Stephen Gutowski

Slate. And, Bob Barr was on the nominating committee slate. He won. And the argument that you got from some of the board members who supported him was that they wanted to show both continuity and reform at the same time. And that's kind of how that election came out with Bob Barr as the idea of continuity. He's a former congressman.

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Stephen Gutowski

so he also has, you know, obviously, a lot of political experience, for that kind of role. And, and then the rest of the people who were elected for second vice president were, reformers. And same for the executive vice president, which is the role that Wayne Lapiere used to have before he resigned earlier this year. that was also a reformer candidate who got, that position as well.

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Stephen Gutowski

So, long story short, there are still people on the NRA board and in key positions, like chairman of the audit committee, that's Charles Cotton currently, or NRA president Bob Barr, who were more of the old guard NRA guys. now, this ruling, one of the significant possibilities here, one of the reforms the judge wants to see, is removing anyone from the audit committee.

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Stephen Gutowski

Not necessarily from the board altogether, but potentially from at least leadership positions in the audit committee. excuse me. I'm, like, dying. I don't know why. Just coughing up a storm and apologize for anyone listening. Headphones. But the judge listed six reforms that he wants to see, and one of them was remove the people on the audit committee today who were on the audit committee at the time that the jury identified significant failings.

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Stephen Gutowski

so, for instance, related party transaction. And there were several related party transactions that the jury found were inappropriate, and didn't comply with New York law. And those were all approved by the audit committee previously, retroactively in a lot of cases, like, meaning that the audit committee went back and said, oh, these are we didn't know about these before, but we're saying they're fine now.

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Stephen Gutowski

now, the jury, to be fair, the jury didn't find every related party transaction was inappropriate. So, wasn't a clean sweep for the AG or anything, but there were several, like Wayne Lapiere, his wife Susan, up here. Her hair and makeup was paid for by the NRA. And the audit committee approved that. And the jury found that that wasn't that didn't comport with New York law.

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Stephen Gutowski

So, the judge wants people who were on the committee at the time, which would include Charles Cotton, to not be in the same positions. Now because this is part of his idea. If you read, the analysis piece that I did on this for members, he kind of wants to see a break from the old NRA, the Wayne Lapiere, where the NRA, where this corruption happened, and the new NRA, he's he's very much, of the mind that the internal reformers that exist there, people like, Sonja Rowling was the who's the current treasurer, who was, early on whistleblower, you know, Bill Burr, who's the first vice president.

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Stephen Gutowski

It was on that reformer ticket. Mark Bowen, another guy who's second vice president, was on their former ticket. you know, some of these folks, he was very much of the mind that they're trying to change things. He was impressed by the recent elections. You know, these are things that he he took into account when looking at this.

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Stephen Gutowski

And he once, it seems, from from reading his, the transcript in the case that he, he kind of wants basically, a new face for the NRA. And to that end, he recognizes that some of these old, old guard players at the NRA, well, they may even be well intentioned, that they didn't stop these problems from occurring and shouldn't be necessarily, kept in positions of power because of that.

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Stephen Gutowski

And so that's one of the things he suggested. And one of the things you could see as a significant reform or change that may further tip the balance power inside the organization. if he follows through on that. But, you know, we don't exactly know what's going to happen with these suggestions. They seem a little bit more than just, oh, I think you guys should do this because they're good ideas.

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Stephen Gutowski

And just kind of further along the lines of, this is what I think is going to help fix the NRA. And I'm want to see this happen. Yeah, if that makes sense.

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Jake Fogleman

Yeah, I think that's that's kind of the gist of it is he asks about like what what kind of what can be done that I can trust. What's going to happen to the NRA. And that's sort of it. It's what whatever ends up being the outcome of those sort of recommendations that are a little more than just like, oh, here's here's an idea.

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Jake Fogleman

It's more like, I would like to see this happen. Please figure out a way to make this happen. And then whatever happens after that, we'll kind of be, you know, up to business to whether or not they think that's sufficient.

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Stephen Gutowski

He kind of wanted a third way. It seemed like he didn't agree with the attorney general's approach, which was he thought was too heavy handed, should be more of a last resort approach to put a government official in the over top of this charity or this nonprofit organization, which is not a common thing. Right? It's not a common, solution for nonprofit issues.

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Stephen Gutowski

now, you know, you could argue this is not a common case and all that, but but, you know, he just didn't think that was the appropriate way to go. But he also didn't think that doing nothing made sense either, which was kind of the NRA, the NRA, his argument all along had been kind of we've already fixed most of these problems.

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Stephen Gutowski

They were all blamed on specific individuals who are not there anymore. And their story kind of got updated as people left along the way. Like when Lapierre resigned, they kind of halfheartedly included him in the people who were the problem category, even though they hadn't done that previously before his resignation. but the judge said, yeah, there were individuals who were problem, but it was also an institutional problem.

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Stephen Gutowski

and there are still people at the NRA who were involved in that that didn't, at the very least did not stop the corruption from happening. So, he, he seemed to be looking for much more targeted changes that he could, order. You know, he's looking to do a court order or have them sign a consent decree or something, like he wasn't exactly completely specific on what he what he's going to do, but this is what he was implying.

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Stephen Gutowski

He wants.

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Jake Fogleman

Yeah. Good question though. It's a good question. Yeah. another similar related NRA question from really remember Chris. asks about giving money to the NRA. he asks about, you know, influencing elections, where to give money to the NRA to keep it afloat, to influence, you know, elections. and it sort of gets to the fact that the NRA is not just one entity has multiple entities that do different things, even in its sort of beleaguered, more beleaguered state than it has been in the past.

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Jake Fogleman

But there are different entities in the NRA that do different things, including focus on influencing elections.

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Stephen Gutowski

Yeah, and that's how a lot of major political groups work. You know, it's not just one entity that you're dealing with. There isn't just one NRA. There's technically the NRA, I think is made up of 7 or 8 groups.

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Jake Fogleman

Yeah I think yeah.

00:13:29:20 - 00:13:47:00

Stephen Gutowski

Yeah, I'd have to go back and look at their annual report and see exactly how many groups are in there now. But, you know, the big one is the C4. That's the membership organization. So when you join the NRA, like if you go to a gun show, right? And they're like, hey, join the NRA and you'll get it for free.

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Stephen Gutowski

You know, if you do that, what you're giving money to what you're joining is the the 501 C4, which is the membership group. and, and it has the ability to do some political advocacy, really issue advocacy at a C4. and then what the numbers we talk about when we discuss their political fundraising, that those numbers come from, the NRA's political action committee, which is called the Political Victory Fund, or from their super PAC, which is, people heard of, like, the citizens United decision that created super PACs.

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Stephen Gutowski

And they're basically these groups that can spend an unlimited amount of money in an election. And support a candidate, but they can't coordinate with candy. There's a different rules for how all these groups can operate under the law. And that's why you have a collection of a bunch of different groups, because they can do different things. And. Right.

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Stephen Gutowski

And they can often also move money between each other in some ways, you know, that that are also governed by the law. But, yeah, if you want to have an impact politically with a donation to the NRA, the most direct way you can do that is by giving to the political Victory Fund, the PAC. and that requires you to be a member of the NRA, though, in the first place, because they can only raise money from their membership.

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Stephen Gutowski

which is part of the reason that their, their fundraising has declined in recent years because the membership has declined. So they have a smaller base of people to try and draw donations from. But that would be, you know, you kind

of have to join both. But if you're trying to give a significant amount of money, you have a significant impact.

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Stephen Gutowski

that's that's how you would do it. You join the NRA, you give the public money. you could also, donate directly to the Institute for Legislative Action if you want to have an impact on, say, their lobbying. That's another that's a different arm of the the NRA, the stick for Legislative Action, which focuses more on political lobbying, but also the people there, generally are also the ones who oversee the PAC.

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Stephen Gutowski

And the super PAC happens. So, you know, it's not there's a lot of the same people working across these divisions, like the political people work on several different groups, and they even have to, you know, for, for tax purposes to divide up when their time is spent working for this one and their time spent working for that one.

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Stephen Gutowski

And so it's, there's a lot of rules that go into it. But but yeah, I mean, generally speaking, that's how you would donate to influence policy if you want to do that through the NRA, which is frankly still the best way or, you know, the most significant way you're going to do it, it's the still the largest groups that have as far as gun rights PACs go by far.

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Stephen Gutowski

Yeah. even with the recent declines that we've covered, and then, of course, if you if you want to do things like support the, safety and training side of the NRA or the competitive shooting side of the NRA, that's stuff you can donate to what's called the NRA Foundation. That's a five and 1C3. And that's where donations would be tax deductible, unlike your NRA membership or your donations to the the political victory Fund.

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Stephen Gutowski

Those aren't tax deductible donation to the NRA Foundation. because that money can only be spent on those charitable, programs, things that are nonpolitical, essentially, but promote like safe shooting or youth shooting, things of that nature, which a lot of people, frankly, support the NRA for those purposes. So. Right. that if you're looking for that, you'd go to the foundation.

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Stephen Gutowski

If you're looking for the politics stuff, you go to the PAC most likely. Yeah.

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Jake Fogleman

That pretty much covers it. Yeah. moving on from NRA stuff. We have some more political, strategic sort of questions. We have, one from a reload member here that asks sort of an interesting one. He asks if, a Harris and a Democrat controlled Congress could potentially end up being the best thing to happen to the gun rights movement or the two way community.

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Jake Fogleman

He says. He says if the if such a there's a twist.

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Stephen Gutowski

Coming that he's kind of first on this one.

00:18:05:01 - 00:18:25:05

Jake Fogleman

If such a combo were to enact a nationwide categorical ban and confiscation scheme, would it for Scotus to act? Is sort of his question, because the subtext here is that he's maybe, perhaps frustrated that the Supreme Court hasn't taken up a categorical ban case and saw the main case, a magazine ban case. And he's wondering, would that be the final straw to make them take up a case?

00:18:25:05 - 00:18:26:04

Jake Fogleman

So what do you think about that?

00:18:26:05 - 00:18:51:11

Stephen Gutowski

Yeah, we have a couple of members in this list that are not super happy about the Supreme Court's sort of dragging its feet on these, these cases. well, I think there's two ways to two things to say on this one. One, you know, obviously you look at either party and the policy difference on guns is extremely stark in the vast majority of cases.

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Stephen Gutowski

And so there is and this is something we've talked about, about and how that's actually, political weakness for the gun rights movement. Right. Because you're basically beholden to a single party and they can kind of take you for granted in a lot of cases. which is sort of seems like that's what Donald Trump is doing right now.

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Stephen Gutowski

Yeah. We talked about this a lot. because it's like, yeah, what are you going to do, go and vote for Kamala Harris, who, who's moderating, on the issue of a mandatory buyback of gun confiscation. But that just puts her still at wanting to ban the sale of the the country's most popular. Right. It's not it's not generally, a position that's going to attract a lot of gun voters.

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Stephen Gutowski

Right. it may it may not. She may be trying to just not alienate, as many people as the other position. But, you know, it leaves you with this on policy, which is not the only thing to consider. Of course, in your book, but on policy, the choice is, is pretty obvious. But so he's getting into this idea of like, well, maybe okay, fair enough.

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Stephen Gutowski

But maybe if we force the issue by having Democrats pass a nationwide assault weapons ban, maybe that would actually be good in the long run because the Supreme Court would strike it down under. Bruen or something, something along those lines. So the idea here, one, I would start with, like the just the political realities of if Kamala Harris wins the presidency, I don't think she could actually pass.

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Stephen Gutowski

And it's always been in this environment because the Republicans, regardless of what happens at the presidential race, unless it turns into some sort of rout, some sort of blowout, which seems extremely unlikely, given the last several elections and where the polling is at today. it's it's most likely that even if Harris wins, even as she does fairly well in the the Electoral College, right.

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Stephen Gutowski

Let's say she wins the the Rust Belt states, the blue wall states in the North northeast, Midwest. and she does this, she wins the Sunbelt states, you know, Arizona and Nevada and then even Georgia. it's still not very likely that the

Democrats are going to keep control of the Senate because of the map right now is, extremely favorable to Republicans this year.

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Stephen Gutowski

you know, the Senate's only up, every six years, senators are up. So you don't get like half the Senate up it once it gets a third of it up at once in each election. And, this time around, you're getting a lot more vulnerable Democrats than you are Republicans. And so there's several pickup opportunities. I mean, West Virginia, for instance, is almost guaranteed to become Republican, which would, which would already put them even if the other races don't pan out, they'd still have a majority.

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Stephen Gutowski

So I'm just saying, on the practical front, even a smaller Harris wins. And I think whoever wins the presidency is likely to win the House. That's usually how things go. but this time around, it's unlikely that a Democrat to win the presidency and win the Senate in a relatively close race, which I think is what's going to happen.

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Stephen Gutowski

So, but even if she did, it's unlikely that they could get to 60 seats. Unless politics changes drastically between now and the, like the next presidential election, which is always possible, but not likely. And then even if they did something like blow up the filibuster, you know, right now, if there was no filibuster, I still don't think you could get in so often span through the Senate, just 50 votes for it.

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Stephen Gutowski

so, just to just to discuss the practical politics of a a solvent man, if one pass, let's say it happens anyway, right? We get in this hypothetical, it could span the Supreme Court to acts faster because of the number of people affected. But honestly, they already have plenty of opportunities ahead of them to take an assault weapons ban case and, I mean, I don't want to underplay how much the practical side of things impacts the Supreme Court, because we've talked about it before.

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Stephen Gutowski

They you know, it is something that they clearly consider. They don't just go to the budget, endpoint of every test that they make there. There's clearly some consideration for the practical side of things at the Supreme Court. and so maybe they would put more weight into reviewing a national ban than they would any of these state bans.

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Stephen Gutowski

But I just don't think it's something that's, like, necessary for them to take up a case like this. what do you think?

00:23:56:07 - 00:24:07:18

Jake Fogleman

Yeah, I, I don't think it would be good for the Second Amendment community because one, like you said, if they if politics got to a point where they had the numbers and they had the political will where they felt comfortable taking a blow.

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Stephen Gutowski

To.

00:24:08:06 - 00:24:27:00

Jake Fogleman



To ban an assault weapon or pass an assault weapons ban and a mandatory buyback scheme, that means the gun rights movement has already lost so much political clout that it doesn't. It almost doesn't matter, even if the Supreme Court strikes it down as unconstitutional, that means you have that much political will for such a policy that you might see them retaliate and say, okay, we're going to pack the court.

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Jake Fogleman

We're going to, you know, x, y, z.

00:24:29:08 - 00:24:47:18

Stephen Gutowski

yeah. I mean, if you got to that level of political support so they could pass something like that, especially something with a mandatory ballot like confiscation attached to it. Yeah. You know, you're at the levels of support where they could even maybe get a constitutional amendment through. Right. Or yeah, some harebrained scheme to pass the court or something, which they have been much more willing to discuss.

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Jake Fogleman

They flirt with it all the time. So yeah.

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Stephen Gutowski

so yeah, if you got to that level, you might be able to get, constitutional amendments like, the California governor's proposed or, or some other short circuiting of the constitutional system, like President Biden is proposing with this court packing scheme that he's got, you know, as things stand now, that court packing, I don't even know why he's doing that, because it's not going to go anywhere.

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Stephen Gutowski

it's just sort of like a vanity thing for him. I mean, it's the Supreme Court's not very popular at the moment. And so I guess maybe they're just trying to exploit that by saying we we want to offer reforms or whatever, but it's not going to realistically go anywhere today. or probably even after even if Kamala Harris won this election.

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Stephen Gutowski

So, I don't know. but either way, it's just not necessary for this court to take this up. They have a lot of opportunities. They seem to have a number of justices who are fairly eager to take up a case like this. Right. We've had a, dissent that we talked about. in one of the denials, it seems like as, actually one of our other members got to this later on.

00:26:03:10 - 00:26:22:14

Stephen Gutowski

Paul mentioned that he, you know, he doesn't think that we're going to get to this insolvent bank case, until one is that, what's called an interlocutory stage, and and he's probably right. That seems to be what the issue is, right? Why don't you explain to people what interlocutory means?

00:26:22:14 - 00:26:22:18

Jake Fogleman

Yeah.

00:26:22:18 - 00:26:26:07

Stephen Gutowski

So we've seen that. Why we think the court's probably waiting for that.

00:26:26:09 - 00:26:52:01

Jake Fogleman

Yeah. So the the kick the court has been receiving appeals to take an assault weapon ban case in almost every instance other than the one at guard after Bruen, they were all in what's called an interlocutory posture, which means it hasn't reached the merits decision yet. It's all right, folks. Appealing a denial of a preliminary injunction or something like that, and which isn't, you know, supposed to be an emergency, temporary, you know, stage of a case.

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Jake Fogleman

And it's before, you know, actually either saying this is unconstitutional or it is constitutional. And so that's basically what Thomas, if listeners roll call, we covered this. Justice Thomas, when the court was asked once again to take up the Illinois assault weapon ban case, just as Thomas said, he basically wrote at length, why he thinks it's unconstitutional, and he thinks it's important for the court to take this issue.

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Jake Fogleman

But he's saying we need to respect procedure. We need to, let things run their course in the lower courts before we jump in. And that's basically what they've hinted at. And all these other cases as well. When they wrote previously about the Bruen response bills, for instance, in New York, they said something similar where it's like, oh, we ought to keep a close eye on this, but, you know, it's only at the injunction stage so we can't step in.

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Stephen Gutowski

Yeah. So it's it's one of those things where the court's signaling that it doesn't it could get involved. Let's be clear. They they could do whatever they want frankly. Right. they just don't want to do that for this issue. And that seems to be pretty across the board from what we've seen, that they're not willing to go and intervene at these early stages in these gun cases.

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Stephen Gutowski

they may be willing to do that in other cases. That's shadow doctrine. If you've ever heard people talk about that, you know, that's sort of them intervening early without, you know, waiting for the merits stage to reach them. But, but it seems on this issue that, that, you know, you don't necessarily read into them denying some of these requests for cert, as them disagreeing with the plaintiffs in the case, they just seem to have a procedural preference for these two, waiting for these to make it to them on the actual waiting forever.

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Stephen Gutowski

But they say they want the lower courts to hear everything first so that they don't have to hear new things. which, you know, it makes sense that the Supreme Court, they want to have a fully developed case before it gets up to them. That's what they would like to do in most cases. I think it's certainly seems to be what they're doing now.

00:28:47:01 - 00:29:11:02

Stephen Gutowski

to this end, we do have a question from Steven that also deals the Supreme Court, which is, is it fair to say that perhaps Chief Justice Roberts and, Justice Amy Coney Barrett are not sympathetic to striking down a hardware or, other? In other words, an assault is bad. And what? I want to hear your take on this.

00:29:11:02 - 00:29:32:02

Stephen Gutowski

What do you think? where these justices are at, I guess specifically, Roberts and Barrett are ones that people often are concerned about. And on the right, with. Okay. Well, you know, with, where they might come down on cases. What do you think the, their feelings are in these hardware bank cases?

00:29:32:04 - 00:29:50:06

Jake Fogleman

I don't think I don't think it's fair to say just yet that they're not sympathetic. so it's, they're sort of I've heard court commentators talk about it. This is actually a three, three, three court rather than A63 court, because you sort of have your ideological conservative justices, and that would be your alito's, your Thomases and your Gorsuch's.

00:29:50:06 - 00:30:18:22

Jake Fogleman

And then you have your more institutionalist justices that they talk about, like Roberts, Barrett, Kavanaugh. And in that institutionalist sort of cohort, you already have Kavanaugh on the record, essentially doing a brute analysis of an assault weapon ban, in Heller 2 in 2011. so I think people aren't so concerned about him. And I think it's just a matter that Roberts and Barrett seem to be sort of more perky and more cautious in their approach.

00:30:18:22 - 00:30:31:05

Jake Fogleman

They don't like to do big, disruptive, you know, that's why they're always writing. Concurrence is trying to soften whatever opinion comes out. That's why Roberts wrote the shall issue permits or okay in the Bruen decision, even though I'm not going to explain.

00:30:31:06 - 00:30:31:21

Stephen Gutowski

Them or.

00:30:31:23 - 00:30:48:06

Jake Fogleman

Anything. Kavanaugh joined him in that as well. That's a good point. so I don't think it's necessarily fair to say that they're at a point where they're not sympathetic to and sort of men. It's just that it's not they haven't had the opportunity or the inclination even to sort of opine one way or another, because it's not really the type of judges they are.

00:30:48:06 - 00:30:54:10

Jake Fogleman

Right? Whereas Thomas and Alito seem to relish taking an opportunity to say, hey, lower courts, we're keeping an eye on you on this issue.

00:30:54:12 - 00:30:55:04

Stephen Gutowski

00:30:55:06 - 00:31:04:15

Jake Fogleman

That's not really the style of Roberts and Barrett seem to be much more institutionalist and maybe hesitant, cautious in their approach to being judges.

00:31:04:17 - 00:31:33:00

Stephen Gutowski

Yeah, I don't know. I don't think I've seen anything from Barrett or Roberts that would indicate they wouldn't strike down. a ban on something like an AR 15. Yeah, like, given the popularity and the standards that they've set for the Second Amendment cases, it's kind of hard to imagine them not striking it down, but, yeah, I mean, I think they're much more wary most of the court, not just those two.

00:31:33:00 - 00:32:03:12

Stephen Gutowski

It's much more wary about things further out from that, but less popular stuff. Yeah, that may be implicated in brewing, but, you know, you can look at Remy and see the court is not trying to go to the absolute logical ends of these, these standards that they're setting up. I think, they want to keep things relatively, stable and that sort of institutionalist as

you've described there.

00:32:03:12 - 00:32:27:01

Stephen Gutowski

Like, it doesn't I don't think they're going to strike down the NFA, for instance. Right. I think that maybe parts of it, you might have a decent chance with the suppressor part just because of how popular suppressors are these days. But generally speaking, like, you know, they're not going to, probably undo the stoning possession ban.

00:32:27:03 - 00:32:47:22

Stephen Gutowski

Yeah, a lot of these things are and most federal gun laws are modern because, you didn't have a federal gun law before the 20th century, which would sort of imply that most of them under the Bruin standard are on very shaky ground. But I don't think I don't know that the court is going to go through and throw out every federal gun law.

00:32:47:22 - 00:33:25:04

Stephen Gutowski

I just don't think that's going to happen. even if you could make a Bruin based case to do that, and that's more where I see, you know, and not just Roberts and Barrett, but, you know, Kavanaugh or even Gorsuch. I mean, it was an eight one ruling. And Rahim, right, I didn't really give you, you can read Thomas's dissent and, and I think that's where a lot of the pro-gun people who looked at Bruin, what they were thinking of it and even, you know, we had Jeff Charles, Professor Charles from, Pepperdine, who's a Bruin critic on the show, and he was saying, like, he that's where he was viewing what

00:33:25:06 - 00:33:47:22

Stephen Gutowski

what Thomas said in his dissent. That's more what he was viewing the Bruin decision as. And that doesn't obviously, the rest of the court didn't do it that way, including, the other four or other five conservative justices. So, you know, I think the more radical the practical effect is of striking down a gun, more the less likely the court's going to do it.

00:33:48:00 - 00:33:58:14

Stephen Gutowski

And so that, you know, sort of expands. They don't they're not nationwide. They're really only things that exist in the deepest blue states at this point. Right?

00:33:58:16 - 00:33:59:22

Jake Fogleman

10 or 11 states. Yeah.

00:33:59:23 - 00:34:21:05

Stephen Gutowski

Yeah. So it's it's much more akin de Bruin to those carry restrictions than it is to like the domestic violence restraining order, gun ban, which every basically every state has and is a federal law as well. So yeah. yeah. We'll see what they do. I don't it's not guaranteed either way, but I don't that's the impression I get from this court at the very least.

00:34:21:07 - 00:34:35:06

Stephen Gutowski

yeah. I think that's the way to one more here I get we got a couple of CNN questions, so let's do that, I guess, if you want. I think the very end here, we got some CNN questions. People yesterday and what's up, a couple one.

00:34:35:08 - 00:34:55:07

Jake Fogleman

Couple reload members asked if we have you personally invited any of your CNN colleagues to go to the range with you and then to, another CNN question. He's, ever since he became a contributor for CNN and there's been some revised firearm guidelines by the AP, apparently. he asked, have you noticed any improvement when it comes to firearms

related news in mainstream outlets?

00:34:55:07 - 00:34:57:20

Jake Fogleman

So take a stab at either one of those.

00:34:57:22 - 00:35:18:13

Stephen Gutowski

Yeah. Well, you know, I certainly we haven't done anything officially as, like, Oh. Take your CNN colleagues to the range today. So thanks. but, yeah. No, I mean, I, I know a number of my CNN colleagues, a number of them are also gun owners. And, I've been to the range with several of them. I mean, give one example.

00:35:18:13 - 00:35:44:03

Stephen Gutowski

I don't think you'd be bothered by this from Michael Singleton. He's been on the show before. He's a CNN contributor. He has, his own gun show on Guns Out TV, which, I've been on before. I'm a big fan of, you know, I went to his range de he lives here in Northern Virginia like I do, and he had arranged at our, one of the nice ranges nearby I think they're having once, soon, actually, people want to go and check that out, go over against TV and see what they've got going on.

00:35:44:03 - 00:36:07:13

Stephen Gutowski

But yeah, I mean, I've been I've been to the range of the number of, my CNN colleagues not on, not as part of any sort of official things, just, I think people would be, good to remember that, like, people who work at CNN are our people. They're human beings, like, they're and they're people. And they many of them have very all kinds of different interests and some of that includes, gun ownership.

00:36:07:13 - 00:36:31:01

Stephen Gutowski

So, you know, I, I'd like to add that that extends beyond CNN to, to a number of the other outlets I've written for in the past, The Atlantic or, you know, National Review, I've been shooting with a bunch of people who write for those outlets or or or, or work for them. And it's not a totally uncommon thing.

00:36:31:01 - 00:36:56:01

Stephen Gutowski

What I'd like to do is get a bit more of an organized, class going through that. That's something I, I want to do, like I do the National Journalism Center class. Right. And, I'd like to do that for, established media outlets to, just to give a little bit of, additional training, I think, for, for reporters who talk about this subject.

00:36:56:03 - 00:37:16:00

Stephen Gutowski

I think it'd be beneficial. I'm looking to put together something like that, in the future here and, and hope to get further as far as, you know, my time at CNN and, how the industry has changed perhaps in recent years, the gun issue, you know, I'm just I'm just one person first.

00:37:16:02 - 00:37:19:02

Stephen Gutowski

So it's, and we're just one outlet here.

00:37:19:05 - 00:37:23:09

Jake Fogleman

You mean you haven't single handedly changed the state of journalism?

00:37:23:11 - 00:37:50:06

Stephen Gutowski

Yeah. I mean, like, well, yeah, we gotta be realistic about what I can accomplish as one dude, but but, or what we can accomplish as one outlet, because that's part of our mission here at the reload is just to improve reporting on on firearms generally. But I've had good experiences so far, especially at CNN. You know, they, often ask for my advice, and I'm not the only person they have there to do the consultant firearms.

00:37:50:08 - 00:38:07:04

Stephen Gutowski

you know, there's there's a whole team of people that, including Schmeichel being somebody that they, that I know producers will go to for good advice on this stuff as well. But, you know, I've never been in a situation where they were trying to force trying to get me to say something I don't believe. Right.

00:38:07:04 - 00:38:39:12

Stephen Gutowski

That's that's the number one thing for me like that ever happened. I'd be out, you know, and, that's never happened at this. I'm on my third year, my third contract with CNN. and it's been a very positive experience so far. And I think I've been able to, help both in front of the camera and behind the camera when they're in situations where they needed, accurate information on, you know, whatever is going on, in the news that relates to guns, they will come to me and ask me and, and, you know, I have a great deal of respect for that.

00:38:39:12 - 00:38:58:13

Stephen Gutowski

They want I, in my experience, and not just at CNN, but I think CNN is particularly, adept at this. It's like the people there want to get things right. they might not always. They're a human like you are. We don't always get things right here at the reload either. But they do. They have that desire.

00:38:58:15 - 00:39:35:16

Stephen Gutowski

And, and so my interactions with the fact checking people, the your, normal, digital reporters or the on camera reporters, they want to have the most accurate information possible as fast as they can get it, because that's their job. And so, yeah, I think it's been positive. you know, I don't too I think that the media, generally that the, the industry has improved so much that, like the reload is no longer necessary because now the mainstream outlets understand this issue really well.

00:39:35:16 - 00:40:02:01

Stephen Gutowski

No. Right. We're not at that. You may not get to that point. but I think with, the places where I've been directly involved, you know, NJC, CNN, The Atlantic, the, discourse magazine, number, other places where I've been published, that's, I've had a good experience. And I think that there has been some improvement on that front.

00:40:02:03 - 00:40:25:21

Stephen Gutowski

I still wish that that we would get more. You know, one of my goals, too, is to try and broaden the scope of coverage because one of the one of the my main issues with major media, outlets and guns is that they really only cover very specific stories, mostly mass shootings, some legislation. But there's so much more to the world of of gun, guns in America and the gun community.

00:40:25:21 - 00:40:42:14

Stephen Gutowski

There's a lot more stories to be told there. And, we try to highlight some of those, but I would also like to see other outlets, focus, spend some more time talking about that. yeah. And so that's, that's one of my long term goals. And we're not there yet. But, I do think there's been progress.

00:40:42:16 - 00:41:00:04

Jake Fogleman

Yeah, I would tend to agree, especially, you know, I'm not in these rooms, but as an outside observer, every segment they've had you on for CNN and I thought it has been, you know, sort of a kudos to them kind of moment for letting you come speak your piece and not, not turn it one into like a two talking heads going at each other with different points of view.

00:41:00:04 - 00:41:06:18

Jake Fogleman

It's more like, here's here's the facts, here's why it's relevant, here's why it's important. And they just let it breathe. And I think that's.

00:41:06:20 - 00:41:25:04

Stephen Gutowski

That's the best things about my, my time at CNN is that they're not trying to make me into a talking head or a debate, you know, just your classic cable news debate thing where two people yell at each other or whatever for five minutes. It's much more it's been much more, focused than that and much more valuable.

00:41:25:04 - 00:41:47:15

Stephen Gutowski

I think. so I've been really happy with that. but that's, you know, that's all the time we've got for you guys today. I appreciate the questions that we got. really enjoyed answering them with you, Jake. And I look forward to doing this again relatively soon. If you want to be one of the people who answer, who asks question, make sure you sign up for the the day.

00:41:47:15 - 00:42:07:15

Stephen Gutowski

Go, go over and buy a membership. It's how we support our reporting. It's how we are able to do this. and, you know, you also, of course, get a bunch of perks in addition to asking questions on the Q, and I also get the podcast day early. You'll also be able to appear on the show. We have a member segment coming up relatively soon, I believe.

00:42:07:17 - 00:42:27:19

Stephen Gutowski

And, of course, you'll get access to hundreds of pieces of analysis and reporting that you will not find anywhere else. so yeah, go ahead and check out our membership options. And then after that, head over to The Dispatch and look at them. We've got them as our sponsor again this week. And I'll tell you here I'm going to change shirts real quick and go back in time to when I film this.

00:42:27:21 - 00:42:45:13

Stephen Gutowski

it just and, tell you why I like The Dispatch as well and why I think they're they're good. If you like us, you'll probably like them.