



# NRA-PVF

NATIONAL RIFLE ASSOCIATION OF AMERICA

Political Victory Fund

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## 2014 MONTANA CANDIDATE QUESTIONNAIRE

Name: Lawrence VanDyke  
Address: 123 Clark Creek Loop  
City: Clancy Zip Code: 59634  
Phone: [REDACTED] Fax: N/A  
E-Mail Address: [REDACTED] Website: www.VanDykeForJustice.com  
Campaign Name: VanDyke For Supreme Court Campaign ID #: 46-5103703  
Public Office(s) Held: Montana Solicitor General  
Occupation: Attorney  
Office Sought: Montana Supreme Court Justice District: Seat 2 Party: Non-Partisan

For further information on Montana firearm laws,  
please visit [www.nraila.org](http://www.nraila.org) and click on the "Gun Laws" feature located in the menu.

1. Do you agree that the Second Amendment to the United States Constitution guarantees a fundamental, individual right to keep and bear arms that applies to all Americans, regardless of where they live in the United States?

- ☒ a. Yes.  
☐ b. No.

2. Which of the following statements best represents your opinion on the prevention of violent crime?

- ☐ a. Gun control laws will solve the crime problem.  
☐ b. Gun control laws will not solve the crime problem, but they must be a part of the overall solution.  
☒ c. Gun control laws are misdirected; the solution is the enforcement of existing laws which punish criminals who misuse firearms and other weapons in the commission of crimes.  
☐ d. Other: \_\_\_\_\_

3. Considering current Montana firearm laws, would you support any additional restrictive state legislation regulating firearms and/or ammunition?

- ☐ a. Yes, I support additional restrictive state legislation regulating firearms and/or ammunition.  
☐ b. Yes, I support additional restrictive state legislation regulating firearms. Please explain: \_\_\_\_\_  
☐ c. Yes, I support additional restrictive state legislation regulating ammunition. Please explain: \_\_\_\_\_  
☐ d. No, current state firearm laws are sufficient.  
☒ e. No, current state firearm laws should be improved to benefit law-abiding gun owners and sportsmen in Montana.

4. Would you support state legislation banning the manufacture, possession, ownership, purchase, sale and/or transfer of any firearms?

- ☐ a. Yes, for all firearms. Please specify type of restrictions: \_\_\_\_\_  
☐ b. Yes, for all handguns. Please specify type of restrictions: \_\_\_\_\_  
☐ c. Yes, for some firearms. Please specify types of firearms/restrictions: \_\_\_\_\_  
☒ d. No, I oppose banning the manufacture, possession, ownership, purchase, sale and/or transfer of any firearm.

5. Many .50 caliber firearms are used in big game hunting and target competition, and the .50 caliber BMG cartridge has been used for nearly a century. Would you support legislation prohibiting the ownership and/or sale of any .50 caliber firearms or ammunition in Montana?

- ☐ a. Yes, I would support such legislation. Please explain: \_\_\_\_\_  
☒ b. No, I would oppose such legislation.

I personally have hunted with a 50 AE Desert Eagle Pistol (.50 caliber)



6. In 1994, Congress imposed a 10-year ban on the manufacture, for sale to private individuals, of various semi-automatic\* firearms it termed "assault weapons," and of ammunition magazines capable of holding more than 10 rounds of ammunition, which primarily affected handguns designed for self-defense. Congress' subsequent study of the ban, as well as state and local law enforcement agency reports, showed that contrary to the ban's supporters' claims, the guns and magazines had never been used in more than about 1%-2% of violent crime. Since the ban expired in 2004, the numbers of these firearms and magazines owned have risen to all-time highs and violent crime has fallen to a 42-year low. **Would you support state legislation restricting the possession, ownership, purchase, sale, and/or transfer of semi-automatic firearms and/or limits on the capacity of magazines designed for self-defense?**

*\* Semi-automatic firearms have been commonly used for hunting, target shooting, and self-defense since their introduction in the late 1800s. All semi-automatics fire only one shot when the trigger is pulled. They are not fully-automatic machine guns, which have been strictly regulated under federal law since 1934.*

- ☐ a. Yes, I would support such legislation for semi-automatic firearms only.
- ☐ b. Yes, I would support such legislation for magazines only.
- ☐ c. Yes, I would support such legislation for semi-automatic firearms and magazines.
- ☒ d. No, I would oppose such legislation.

7. Federal law requires federally-licensed firearms dealers to keep records of the make, model, caliber, and serial number of all firearms sold. **Would you support state legislation requiring all firearm owners to register all their firearm(s) for entry into a centralized state file or database?**

- ☐ a. Yes, for all firearms.
- ☐ b. Yes, for all handguns.
- ☐ c. Yes, for some firearms. Please specify which firearms: \_\_\_\_\_
- ☒ d. No, I oppose state registration of firearms.

8. **Would you support the state licensing\* of law-abiding citizens who own, possess and use firearms?**

*\* Licensing, as used here, refers to state legislation requiring firearm owners to obtain a license from a government official or agency to own and possess a firearm. As a rule, firearm owner licensing laws generally require fingerprinting, photographing, and/or a background investigation of the applicant. Note: this is different from acquiring a "permit to carry" a concealed weapon from the state.*

- ☐ a. Yes, for owners of all firearms.
- ☐ b. Yes, for owners of all handguns.
- ☐ c. Yes, for owners of some firearms. Please specify: \_\_\_\_\_
- ☒ d. No, I oppose state licensing of firearm owners.

9. Federal law requires all federally-licensed firearms dealers to conduct a criminal records check prior to the sale of any firearm, whether the sale occurs at their retail store or at a gun show. Access to the FBI-run telephone-based "instant check" system is limited to licensed dealers only. Under federal law, individuals who only occasionally sell firearms from their personal collections are not "engaged in the business" of selling firearms, and are therefore (1) not required to be licensed; (2) not required to conduct records checks prior to transferring firearms, and (3) not permitted to access the records check system used by licensed dealers. Although less than 1% of guns used in crimes are purchased at gun shows (Department of Justice, Bureau of Statistics), gun control advocates are trying to ban firearms sales at gun shows by occasional sellers and private collectors, or require that any transactions involving their legal property be conducted through a licensed dealer. **Would you support legislation restricting firearms sales by occasional sellers and private collectors at gun shows?**

- ☐ a. Yes, I would support such legislation. Please explain: \_\_\_\_\_
- ☒ b. No, I would oppose such legislation.

10. In the United States, the number of privately owned guns has risen by more than 10 million annually to an all-time high. Meanwhile, according to the National Center for Health Statistics, firearm accident deaths have decreased by 90 percent over the last century. This trend is due in part to an increasing use of NRA firearm safety training programs by tens of thousands of NRA Certified Instructors, schools, civic groups and law enforcement agencies. Nevertheless, several states have recently considered legislation that would mandate the placement of locking devices on firearms kept in the home. These devices greatly restrict access to firearms for self-defense purposes and potentially increase the risk of accidental discharge of a firearm. **Would you support legislation that would mandate the use of locking devices or other locking procedures for firearms stored in the home?**

- ☐ a. Yes, I would support such legislation. Please explain: \_\_\_\_\_
- ☒ b. No, I would oppose such legislation.



11. Recently, some employers have extended their "gun-free" workplace rules to employees' locked private vehicles in parking lots. Such policies effectively disarm law-abiding citizens, including concealed weapon license holders, from the time they leave their house in the morning to their return home in the evening. **Would you support "Employee Protection" legislation that would allow law-abiding citizens to keep lawfully transported firearms locked in their personal vehicles while parked on publicly accessible, privately owned parking lots (see 2013 Montana House Bill 571)?**

- ☐ a. Yes, I would sponsor/cosponsor such legislation.
- ☒ b. Yes, I would support such legislation.
- ☐ c. No, I would not support such legislation. Please explain: \_\_\_\_\_

12. Current Montana law (MCA § 45-8-328) lists certain "prohibited places," including banks, government office buildings and establishments where alcoholic beverages are served, where concealed weapon permit holders (and law enforcement officers) may not carry a concealed firearm. This puts law-abiding citizens at a disadvantage because, although they could carry "openly" in these locations, criminals will obviously ignore the law and carry concealed. **Would you support legislation to repeal the restrictions on where law-abiding citizens may carry a concealed weapon (see 2013 Montana House Bill 358)?**

- ☒ a. Yes, I would sponsor/cosponsor such legislation.
- ☒ b. Yes, I would support such legislation.
- ☐ c. No, I would oppose such legislation. Please explain: \_\_\_\_\_

13. Current Montana law allows law-abiding citizens to carry a concealed weapon for defense of themselves and others, free from government interference, anywhere outside the official boundaries of any city or town. In order to cross into a city or town and still be in compliance with Montana law, however, a law-abiding citizen must have a valid concealed weapon permit. **Would you support state legislation to remove the requirement that law-abiding citizens obtain governmental permission in order to provide a means of self-protection when they cross into the boundaries of cities and towns in Montana (see 2013 Montana House Bill 304)?**

- ☒ a. Yes, I would sponsor/cosponsor such legislation.
- ☒ b. Yes, I would support such legislation.
- ☐ c. No, I would oppose such legislation. Please explain: \_\_\_\_\_

14. Under the National Firearms Act (NFA), an individual wanting to acquire an NFA-regulated item, such as a firearm sound suppressor or fully automatic firearm, must submit the proper paperwork and fingerprints to the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), pay a \$200 tax and have a chief local law enforcement officer (CLEO) sign-off on the proper forms. Some CLEOs simply refuse to sign such forms, even for otherwise qualified applicants, because they oppose civilian possession of these items, are fearful of liability or the perceptions of anti-gun constituents, or for other subjective reasons. Legally owned NFA items are very rarely used in crime, with the total number of cases documented numbering in the single digits. This legislation would also include an immunity provision for CLEOs. **Would you support state legislation that would make this process more objective by requiring CLEOs to sign such forms if the applicant is not otherwise prohibited from obtaining an NFA item?**

- ☒ a. Yes, I would sponsor/cosponsor such legislation.
- ☒ b. Yes, I would support such legislation.
- ☐ c. No, I would oppose such legislation.

15. Many public colleges and universities allow visitors with concealed handgun permits to carry concealed firearms on their campuses, yet nearly all state-funded higher learning institutions ban faculty, staff and students from carrying concealed handguns on campus -- even if they have permits to carry concealed firearms. The NRA believes a person with a permit to carry a concealed firearm should be able to carry that firearm concealed anywhere he or she has a legal right to be, except in certain "sterile" high-security locations. Assuming each classification of individuals listed below possessed a concealed handgun permit recognized by the state, **who do you believe should legally be allowed to carry a concealed handgun on state college and university campuses?**

- ☒ a. All law-abiding persons, including visitors, faculty, staff and students.
- ☐ b. Visitors, faculty, staff and some students. Please explain: \_\_\_\_\_
- ☐ c. Faculty, staff and students.
- ☐ d. Visitors, faculty and staff.
- ☐ e. Faculty and staff.
- ☐ f. Each college or university should determine the policy for its campus.
- ☐ g. No one should be allowed to carry a concealed handgun on state college and university campuses.

16. The residents of 39 states can legally own firearm suppressors. Contrary to Hollywood portrayals, suppressors are virtually never used in crime or poaching and criminal misuse carries severe penalties. Suppressors can improve shooting accuracy, protect against hearing loss, reduce noise complaints from the public and make shooting and hunting more enjoyable. The current prohibition on hunting suppressor use, in effect, requires firearms to be as loud as they can possibly be, contrary to the manner in which virtually all other noise-emitting objects are treated. Suppressors are strictly regulated under federal law. Individual purchasers must pay a \$200 federal tax; submit to an extensive background check that includes fingerprints and photographs; and obtain the approval of the chief law enforcement officer in their jurisdiction. **Would you support legislation that allows the use of suppressors while hunting and allow law-abiding Montana sportsmen the freedom to protect against hearing loss, improve accuracy and reduce noise complaints?**

- ☒ a. Yes, I would sponsor/cosponsor such legislation.
- ☒ b. Yes, I would support such legislation.
- ☐ c. No, I would oppose such legislation. Please explain: \_\_\_\_\_



17. Many states provide civil liability protection to private property owners who allow the public to hunt on their property. Shielding property owners from frivolous lawsuits eliminates a significant concern for property owners and encourages them to open their land to hunting. This enhances public hunting opportunities and assists the state in effectively managing its wildlife populations. **Would you support passing or strengthening liability protections for private landowners who allow hunting on their property?**

- ☒ a. Yes, I would sponsor/cosponsor this legislation.  
☒ b. Yes, I would support this legislation.  
☐ c. No, I would oppose this legislation. Please explain: \_\_\_\_\_

18. Youth/mentored hunting programs have been implemented in 29 states to help promote our hunting heritage by removing barriers to participation. This enormous case study has proven safe beyond anyone's expectations. Mentored hunting allows novice hunters -- young and old -- to hunt prior to completing hunter education requirements if they hunt under the close supervision of a licensed, adult hunter who meets hunter education requirements. This is the "try it before you buy it" concept. These programs also dramatically reduce or eliminate minimum hunter ages. **Would you support a youth/mentored hunting law to help promote Montana's hunting heritage?**

- ☒ a. Yes, I would sponsor/cosponsor a youth/mentored hunting law.  
☒ b. Yes, I would support implementing a youth/mentored hunting law.  
☐ c. No, I oppose implementing a mentored hunting law. Montanans will prove to be the exception to the rule of extraordinary safety established by the citizens of the 29 states that have implemented this program.  
☐ d. Other. Please explain: \_\_\_\_\_

19. **For which of the following reasons do you support firearm ownership for law-abiding Montana citizens (please mark any and all that apply)?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> a. Constitutional right.                                  | <input checked="" type="checkbox"/> f. Collecting.                  |
| <input checked="" type="checkbox"/> b. Hunting.   | <input checked="" type="checkbox"/> g. Defense of state and nation. |
| <input checked="" type="checkbox"/> c. Competitive shooting.                                  | <input checked="" type="checkbox"/> h. All of the above.            |
| <input checked="" type="checkbox"/> d. Informal sport shooting (e.g., plinking).              | <input type="checkbox"/> i. None of the above.                      |
| <input checked="" type="checkbox"/> e. Defense of self, family, and home (basic human right). |   |

20. **Have you ever run for or held state or local elective office?**

- ☐ a. Yes. Please specify: \_\_\_\_\_  
☒ b. No.

21. **Are you a member of the National Rifle Association, the Montana Shooting Sports Association, the Montana Rifle & Pistol Association or any other shooting/sportsmen's/gun rights organization?**

- ☐ a. Yes. Please specify: \_\_\_\_\_  
☒ b. No. (If NRA member, please list membership number)

*I have previously been a member of the NRA, but am not currently a member. I don't want to risk recusal if a lawsuit came before me where the NRA was involved.*


Please use the reverse side for additional comments.  
If your campaign has released a position paper on firearms issues, please feel free to include it as well.  
Thank you for your time and consideration.

- Please see the information in the ~~that~~ email sent to Brian Judy on Sept. 16, 2014.

- Please also see the attached article from The Great Falls Tribune dated 9/18/14. The emails referenced in the article, which are available at the website, are very illuminating regarding my defense of The 2<sup>nd</sup> Amendment while serving as Montana's Solicitor General. See especially page 93.

**\*\*AUTHORIZATION\*\***

This signature attests that the information provided in this questionnaire accurately represents the views of the candidate.

  
Candidate Signature

9/18/14  
Date

# Montana Supreme Court: VanDyke takes the spotlight

John S. Adams 8:45 a.m. MDT September 18, 2014



(Photo: Photo courtesy Montana Attorney)

HELENA – Former Montana Solicitor General Lawrence VanDyke is running to unseat incumbent Justice Mike Wheat on the Montana Supreme Court bench.

VanDyke, who in May resigned from his job as the state's highest-ranking civil lawyer, is campaigning as the candidate without political ties.

"I am not a politician by nature," VanDyke states on his campaign website. "Politics is often about spinning the truth. I believe the law should be about finding the truth."

VanDyke's opponent served as a Democratic state senator during the 2003 and 2005 legislative sessions, including serving as chair of the Senate Judiciary Committee.

VanDyke, who is running his first statewide race in Montana, has not previously held an elected office and thus does not have as visible of a record to examine.

In an effort to learn more about VanDyke's record as an attorney and solicitor general, the Great Falls Tribune in May requested public documents relating to VanDyke's work in the Montana Attorney General's office.

John Adams Records Request - September 2014 p.93

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**/O=MONTANA/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENT**

**From:** VanDyke, Lawrence  
**Sent:** Wednesday, August 28, 2013 5:27 PM  
**To:** Mattioli, Mark; Fox, Tim  
**Cc:** Bennion, Jon; Swanson, Cory; Barnes, John; Darkenwald, Scott  
**Subject:** RE: Amicus Memo in NRA v. ATF (U.S.)

The Fifth Circuit held the conduct at issue didn't fall within the scope of the 2<sup>nd</sup> Amendment because any "longstanding, presumptively lawful regulatory measure ... would likely fall outside the ambit of the Second Amendment" entirely. And "[i]n the view of at least some members of the founding generation, disarming select groups for the sake of public safety was compatible with the right to arms specifically and with the idea of liberty generally" -- namely, slaves.

So I guess the court's argument was that we should be able to disarm 18-20 year olds now because they disarmed slaves at the founding? Incredible. I wonder that they didn't see the irony in that argument.

**From:** Mattioli, Mark  
**Sent:** Wednesday, August 28, 2013 5:13 PM  
**To:** VanDyke, Lawrence; Fox, Tim  
**Cc:** Bennion, Jon; Swanson, Cory; Barnes, John; Darkenwald, Scott  
**Subject:** RE: Amicus Memo in NRA v. ATF (U.S.)

Although many have pointed to social science research suggesting that younger adults are more impulsive because the brain is not completely formed until about age 25, I agree with Lawrence's comments and concur that we should join.

Lawrence, what was the basis for the Fifth Circuit's determination that the Second Amendment was not implicated?

Mark

**From:** VanDyke, Lawrence  
**Sent:** Wednesday, August 28, 2013 2:35 PM  
**To:** Fox, Tim  
**Cc:** Mattioli, Mark; Bennion, Jon; Swanson, Cory; Barnes, John; Darkenwald, Scott  
**Subject:** RE: Amicus Memo in NRA v. ATF (U.S.)

I can answer some of these:

(1) What do Montana's laws say about 18-21 year olds and guns or ammunition?  
- I don't believe Montana has any such laws. Montana law ban carrying of a weapon by a child under the age of 14, unless accompanied by an adult. MCA 45-8-344

(2) What are the policy implications of either supporting or not supporting this amicus brief in light of the high-profile and tragic shooting incidents across the country in recent years?  
- I'm not sure there are any direct policy implications. Montana and federal laws would still ban carrying of guns in schools, and most 18-21 year olds are out of high school in any event. As far as indirect policy implications -- at is the case with most gun issues, I'm sure it depends on your starting assumptions. Folks that think that gun control works will

[Click here to download the emails. \(https://s3.amazonaws.com/s3.documentcloud.org/documents/1284252/foi-request-re-montana-solicitor-sept-2014.pdf\)](https://s3.amazonaws.com/s3.documentcloud.org/documents/1284252/foi-request-re-montana-solicitor-sept-2014.pdf)

VanDyke's public writings and emails provide clues as to where he stands on many important issues that could come before the state's high court in the coming years.



"It is essential that we have access to (candidates') records so voters can make their own determination on their record, not a characterization of their record," says Montana State University political scientist David Parker.

VanDyke, a graduate of Harvard Law School, touts his experience as the Montana solicitor general as one of his qualifications for the high court bench. VanDyke most recently served under Republican Attorney General Tim Fox. He left that office at the end of May to campaign full-time for the Supreme Court.

"I think my experience as the state's preeminent appellate and constitutional lawyer is very relevant to, and has helped prepare me, to served on its highest appellate and constitutional Court," VanDyke wrote in an email response to questions from the Tribune.

An examination of emails from VanDyke's tenure in the Attorney General's Office shows VanDyke spent a significant amount of his time in that role working on amicus, or "friend of the court," briefs filed in other states. Many of those briefs dealt with constitutional challenges to state and federal gun laws, abortion, and same-sex marriage.

VanDyke said his work as the state's "preeminent appellate and constitutional lawyer" is relevant to his pursuit of the Supreme Court seat, but he said there is a "fundamental difference" between his role as solicitor general and the role of a Supreme Court justice.

"As the former, I was often an advocate," VanDyke said. "My job was to represent the interests of the people of Montana and defend our state's laws. So simply because I worked on a specific case or made a specific recommendation obviously can't be taken as representative of my personal views. In fact, as Montana's solicitor general, I worked on cases and took positions that were sometimes at odds with my personal or political views."

## **Second Amendment**

On multiple occasions VanDyke recommended to Fox that Montana join other states' challenges to state and federal gun laws.

In May VanDyke recommended Fox sign-on to brief written by Alabama's attorney general urging a federal appeals court in New York to overturn that state's ban on some semiautomatic weapons.

In addition to supporting the challenge to New York's semi-automatic gun ban, VanDyke wrote in an email to Alabama assistant solicitor general Andrew Brasher: "Plus semi-auto firearms are fun to hunt elk with, as the attached picture attests."

The attached photo showed VanDyke hunting with a semi-automatic rifle.

"That's a SCAR 17 — the same gun used by the Navy Seals (but mine's only semi-auto, unfortunately)," VanDyke wrote.

Later in May VanDyke recommended Montana join another Alabama challenge to Connecticut's ban on semiautomatic firearms.

In February VanDyke recommended Montana join Wyoming's brief asking a New Jersey circuit court to overturn a law that only allows carrying a handgun outside the home upon showing of a "justifiable need."

In January 2013 VanDyke recommended Montana join an amicus brief filed by Virginia challenging New York's ban on carrying handguns outside the home.

Jeremy Johnson, a political science professor at Carroll College in Helena, reviewed VanDyke's emails at the request of the Tribune.

"Clearly, (VanDyke) wanted the state to sign on to join lawsuits involving firearms. He said so himself that at times he had not thought through issues in a particular case, but if a case involved guns he had interest," Johnson said.

Johnson called VanDyke's email to Brasher regarding hunting elk with a semi-automatic rifle "cavalier" and "not considered within the realm of normal sporting behavior."

VanDyke said it was his job to defend Montana's laws, and he said he would follow Supreme Court precedent if elected to the state's high court.

"The US. Supreme Court has recently and repeatedly upheld an individual's right to bear arms under the Second Amendment," VanDyke said. "As a Montana Supreme Court justice, I will honor and apply that Court's authoritative interpretations of the Second Amendment."

## **Abortion**

As solicitor general VanDyke co-wrote a brief in support a 2012 Arizona law that prohibits abortions beginning at 20 weeks from the date of fertilization.

Opponents of the law challenged the law's constitutionality in federal court and sought an injunction to prevent the ban from taking effect.

In writing in support of the law, VanDyke advocated for the reconsideration of the landmark 1973 Roe v. Wade U.S. Supreme Court decision, which found that the right to privacy under the 14th Amendment extended to a woman's decision to have an abortion. VanDyke argued that new evidence regarding fetal pain, and increased health risk to the mother for abortions performed after 20 weeks, merited reconsideration of Roe v. Wade.

VanDyke said Fox asked him to co-author the brief, which he "faithfully performed as part of (his) duties as solicitor general.

"You simply cannot draw inferences about my personal views by the cases I worked on," VanDyke said. "My personal and political views on abortion would not affect my decision making if elected to the Supreme Court; my best reading of 'the will of the people as that will is expressed in the law' and Constitution will dictate my decisions on abortion, and every other issue, if elected to the Montana Supreme Court."

### **Same-sex marriage**

In December VanDyke recommended to Fox that Montana join Alabama in filing a brief in a New Mexico case involving a photographer who refused to photograph a commitment ceremony between two women in violation of the state's anti-discrimination law.

"I think this is an important case for the future of religious freedom in America," VanDyke wrote to Fox and top legal staff in the Department of Justice.

VanDyke later added, "This is an important case because there is a fairly obvious collision course between religious freedom and gay rights, and this case (because it is an extreme case) could be very important in establishing that gay rights cannot always trump religious liberty."

VanDyke also supported Montana joining a brief defending Nevada's ban on same-sex marriage. Nevada Attorney General Catherine Cortez Masto said in February that she would not try to defend the law. A federal appeals court heard oral arguments in the case on Sept. 8.

"Montana has a marriage amendment in its constitution enacted by the people," VanDyke said. "As solicitor general, my job was to defend Montana's laws and constitution."

VanDyke said his emails from his time as solicitor general "clearly demonstrate" he was supporting the Montana law through his recommendations in those cases.

"Just as it is wrong for judges to let their personal views interfere with their application of the law, it would be wrong for any justice department official to let their personal views interfere with their duty to faithfully defend Montana's constitution and laws," VanDyke said.

### **Coming up**

This is the first in a series of articles examining the records of the four candidates seeking seats on the Montana Supreme Court. On Friday the Tribune will profile VanDyke's opponent, incumbent Justice Mike Wheat.

Read or Share this story: <http://gftrib.com/1s8skRG>



### **MORE STORIES**



**Today's Question: Sept. 18**  
[\(/story/news/2014/09/17/todays-question/15812363/\)](http://story/news/2014/09/17/todays-question/15812363/)

Sept. 17, 2014, 9:45 p.m.



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**Re: My Montana Campaign**

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Thu, Sep 18, 2014 at 12:32 PM

From: Lawrence VanDyke [REDACTED]  
Date: Thu, Sep 18, 2014 at 12:32 PM  
Subject: Re: My Montana Campaign  
To: Judy, Brian [REDACTED]

Thank you Brian. Here is the completed questionnaire. I've attached to it an article in the Great Falls Tribune from today that addresses my record on the Second Amendment. The article is available online here: <http://www.greatfallstribune.com/story/news/local/2014/09/17/vandyke-politician-nature/15812491/>

One other note: The questionnaire is obviously geared towards legislative candidates, so I've answered it as if I was a legislative candidate. My role as a Supreme Court justice would be different, obviously. Legislators make the law. Justices apply the law; they shouldn't be legislating from the bench. And if I am elected to the Montana Supreme Court, I am 100% committed to being a justice who correctly *applies* the law -- just like Justice Scalia did in the *Heller* decision.

Thank you again, and please reach out right away if you need any more information or have any questions.

Lawrence VanDyke  
[www.VanDykeforJustice.com](http://www.VanDykeforJustice.com)  
[REDACTED]

On Wed, Sep 17, 2014 at 2:10 AM, Judy, Brian [REDACTED] wrote:

Lawrence,

Sorry for the delay in responding; been about the busiest year ever for me. Attached is our candidate questionnaire. Please return it ASAP and I will get back to you.

Thanks,

Brian

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**From:** Lawrence VanDyke [mailto:[REDACTED]]  
**Sent:** Tuesday, September 16, 2014 7:42 AM  
**To:** Judy, Brian  
**Subject:** My Montana Campaign

Brian - I wanted to tell you a little more about myself, why this race is critical, and why I think the NRA's endorsement is so important.

I grew up in the Bozeman area, and have been a longtime hunter and firearms enthusiast. After working in my family's small business in Bozeman for seven years, I went to Harvard Law School in 2002. While there, I was a member of the Harvard Law School's target shooting club started by Sasha Volokh, Eugene Volokh's younger brother (Eugene Volokh is a well-respected Second Amendment scholar at UCLA Law School). See [http://www.law.harvard.edu/news/bulletin/2002/summer/bf\\_03.html](http://www.law.harvard.edu/news/bulletin/2002/summer/bf_03.html).



I have worked as an appellate and constitutional attorney since law school, and returned to Montana in 2012 to work for Tim Fox as Montana's solicitor general. In that capacity, I was instrumental in Montana joining many multi-state briefs in the United States Supreme Court on gun issues. I also defended the Montana Firearms Freedom Act in the United States Supreme Court.

I am an avid shooter, regularly participating in competitive shooting. Attached is a picture of me hunting elk last year. Tim Fox's director of communications, John Barnes (who is a good friend of mine), was hunting with me and borrowed my more traditional hunting rifle. Unfortunately, we didn't get any elk.

The differences between me and my opponent in this race could not be more stark. Mike Wheat was the "chief architect" of the Montana Senate's opposition to pro-gun legislation in 2005. He was quoted as saying: "We don't need to go down this road where everybody starts arming themselves and killing people."

This is a tremendously important race for Montana. Please seriously consider asking the NRA to endorse me in this election. I believe the NRA's endorsement in this key race could mean the difference in moving towards a Court that is much more in touch with Montana's values. We don't have much time, so if there is anything else we can provide, please let me know.

Thank you Brian,

[REDACTED]

[REDACTED]

[REDACTED]



NRA Candidate Questionnaire - VanDyke.pdf  
3176K