



Written by [Jack Kenny](#) on January 25, 2015

D.C. Detective Sought Warrant for Arrest of NBC's David Gregory

Judicial Watch announced Friday it has obtained a copy of the affidavit signed by a Washington, D.C. police detective seeking the arrest of former NBC news anchor Dick Gregory in 2012 after Gregory had displayed a high-capacity gun magazine during a telecast on the network's Sunday news show, *Meet the Press*. Possession of a magazine with a capacity of more than 10 rounds is illegal in the District of Columbia, where the show originated.



The broadcast occurred on December 23, 2012, just nine days after the shooting deaths of 20 students and six adults at Sandy Hook Elementary School in Newtown, Connecticut. Gregory was interviewing National Rifle Association Executive Vice President Wayne LaPierre when he held up an empty 30-round magazine and asked if mass killings might be prevented by banning high capacity clips. The display sparked a debate with some saying Gregory should have been arrested for breaking the D.C. law. District of Columbia Attorney General Irvin B. Nathan announced at the time he would not press charges, saying the "intent of the temporary possession and short display of the magazine was to promote the First Amendment purpose of informing an ongoing public debate about firearms policy in the United States."

William Jacobson, who runs the Legal Insurrection blog, made a Freedom of Information Act request of the District of Columbia Metropolitan Police Department in January 2013, seeking access to records related to the Gregory incident. Judicial Watch, which describes itself as a "conservative, non-partisan educational foundation," filed an FOIA lawsuit on Jacobson's behalf against the D.C. Office of Attorney General in May of that year, demanding records regarding the decision not to prosecute Gregory. After a local District Court ordered D.C. to turn over the affidavit it had refused to release for two years, the attorney general decided not to appeal the decision. Judicial Watch agreed it would not seek attorney fees and costs.

"The Affidavit in Support of An Arrest Warrant" submitted by D.C. Detective Wayne Gerrish describes a correspondence by e-mail between NBC and the police department in advance of the program. An NBC News editor asked about having the magazine in studio to use on the show: "There will be no gun, no bullets, no just clips. Is this legal?" To that and follow up inquiries, the answer that came back from the police department was: "No, possession of high capacity magazines is a misdemeanor under Title #7 of the DC code. We would suggest utilizing photographs for their presentation." Gregory went ahead and used the clip anyway. Gerrish said in his affidavit that he attempted to interview Gregory but was turned down by NBC lawyers. On January 11, 2013, the same day that Deputy Attorney General Andrew Fois turned down the warrant request, Attorney General Nathan sent a letter to NBC saying Gregory would not be prosecuted "despite the clarity of the violation of this important law.... There is no doubt of the gravity of the illegal conduct in this matter," Nathan wrote.



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In 2012, D.C. police arrested “at least 105 people for charges that included possession of a magazine that can hold more than 10 rounds,” wrote *Washington Times* opinion page editor Emily Miller. The AG’s office prosecuted 15 of them, wrote Miller, “including James Brinkley, an Army veteran and federal employee, who was arrested and jailed while legally transporting his unloaded Glock 22 to the range with the two standard 15-round magazines that came with the pistol.” Brinkley was training at the gun range for the U.S. Marshal test, Miller wrote. Brinkley turned down a plea bargain and was tried and acquitted of all charges.

“If David Gregory were not a major media personality and not then employed by NBC, he would have almost certainly been arrested and prosecuted for possessing the illegal high magazine clip,” said Judicial Watch President Tom Fitton. “Liberals in the District seem to think that they should be immune from the absurd and constitutionally-suspect gun laws they like and want enforced.”

“The point of all this was not that we wanted David Gregory prosecuted,” said William Jacobson of [legalinsurrection.com](#). “We didn’t. There is no reason for mere possession of an unloaded high-capacity magazine, not to be used in the commission of some other crime and far away from actual ammunition, to be a crime. But it is in D.C.” That needs to change, he said, “but it probably will not, until people like David Gregory and other high profile citizens” have it enforced against them.



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