

POINT BLANK

**STRAIGHT TALK
ABOUT WHAT YOU
CAN DO TO
PRESERVE YOUR
RIGHT TO KEEP AND
BEAR ARMS**



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SUPREME COURT CASE GENERATES EXCITEMENT

For the first time in United States history, the Supreme Court will hear a case that should, once and for all, decide the meaning of the Second Amendment in the Bill of Rights, says CCRKBA Chairman Alan M. Gottlieb.

"We are confident that the high court will rule that the Second Amendment affirms and protects an individual civil right to keep and bear arms," said Gottlieb. "Previous Supreme Court rulings dating back more than a century have consistently referred to the Second Amendment as protective of an individual right, but the case of *District of Columbia v. Heller* focuses on that issue, and we expect the court to settle the issue once and for all."

The court announced last November that it will hear an appeal of the case, in which seven Washington, D.C. residents have sued to overturn the district's 31-year-old gun ban. In March of last year, the District of Columbia Court of Appeals ruled 2-1 that the ban is unconstitutional because it violates the Second Amendment right to keep and bear arms. The court further ruled that the amendment does protect an individual right. The ruling set off a firestorm, in which gun control proponents, who had frequently claimed to support a right to keep and bear arms, dropped all pretenses and publicly acknowledged that they do not believe there is such a right protected by the Second Amendment.

"An affirmative ruling by the Supreme Court probably will not be the death knell for the extremist citizen disarmament movement," Gottlieb said, "but it probably will cripple their campaign to destroy an important civil right, the one that protects all of our other rights."

"The Washington, D.C. gun ban has been a monumental failure and the crime statistics prove that. For almost 70 years, gun banners have misinterpreted deliberately and misrepresented the high court's language in the *U.S. v. Miller* ruling of 1939. It is long past the time that this important issue is put to rest, and the *Heller* case will provide the court with that opportunity."

Within weeks of the court's announcement that it would hear the *Heller* case, a national public opinion survey indicated that nearly two-thirds of Americans say they believe the Constitution guarantees each person the right to own a gun. In a CNN/Opinion Research Corporation telephone poll of 1,002 U.S. adults carried out early last month, 65 percent said they thought the Constitution ensures that right, and 31 percent said it did not. CNN stated the question had a sampling error of plus-or-minus three points. Nearly three quarters of men (72 percent) said they believed so, versus 26 percent who did not. More than half (58 percent) of women said they believed so, versus slightly more than a third (35 percent) who did not.

CCRKBA: GUN FREE ZONERS HAVE BLOOD ON THEIR HANDS

The lives of eight more innocent Americans were sacrificed last month on the altar of political correctness at Westroads Mall in Omaha, Nebraska, and CCRKBA indicated that the real outrage of the crime was that it happened in a "gun free zone" where law-abiding private citizens are disarmed by mall rules and state statute.

"In the wake of this horrible crime," declared CCRKBA Chairman Alan M. Gottlieb, "gun control extremists already are demanding more useless gun control legislation. A prohibition on firearms at Westroads Mall did not stop Robert Hawkins, but it did give him a risk-free environment in which to unleash his rampage."

Gottlieb, co-author of the recently released *America Fights Back: Armed Self-Defense in A Violent Age*, said the common link between virtually every mass shooting in recent history in this country is that they all happened in so-called "gun free zones" such as shopping malls and college campuses. He and co-author Dave Workman detail the colossal failure of this "Gun Free Folly" in their new book.

"What happened at the Westroads Mall can happen anywhere that political hysteria results in victim disarmament," Gottlieb stated. "Blaming firearms for this crime is like blaming cars for drunk driving. Published reports all suggest that Hawkins was troubled and had emotional problems, and he reportedly had a felony drug conviction on his record which prohibited him from owning firearms. This proves that restrictive gun laws do not prevent determined perpetrators from getting their hands on guns, but they do prevent

law-abiding citizens from having the tools to defend themselves.

"Remember that a similar shooting at Salt Lake City's Trolley Square last year was interrupted by an armed, off-duty police officer. In essence, that man was an armed private citizen. In Tacoma, Washington in 2005, an armed citizen confronted a gunman at the Tacoma Mall and although he was seriously wounded, his intervention brought the shooting to a halt."

Gottlieb said that, "Neither gun owners, nor the gun industry, nor our constitutionally-protected individual right to keep and bear arms are at fault for the Westroads tragedy, and the gun control lobby knows it."

In another statement on the incident, John R. Lott, Jr., a Senior Research Scholar at the University of Maryland, author of the book *More Guns Less Crime*, and holder of a number of CCRKBA awards, wrote that, "A Google news search using the phrase 'Omaha Mall Shooting' finds an incredible 2,794 news stories worldwide for the last day. From India and Taiwan to Britain and Austria, there are probably few people in the world who haven't heard about this tragedy. But despite the massive news coverage, none of the media coverage, at least by 10 a.m. Thursday afternoon, mentioned this central fact: Yet another attack occurred in a gun free zone."

Lott pointed out that, "in recent years, similar attacks have occurred across the world, including in Australia, France, Germany and Britain. Do all these countries lack tough gun control laws? Hardly. The reverse is more accurate. The law-abiding, not criminals, are obeying the rules.

Disarming the victims simply means that the killers have less to fear...

"Most people understand that guns deter criminals. If a killer were stalking your family, would you feel safer putting a sign out front announcing 'This home is a gun free zone'? But that is what the Westroads Mall did."



POINT BLANK

"Straight talk about what you can do to preserve your right to keep and bear arms."

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SECOND AMENDMENT AS KEY TODAY AS YESTERDAY

By Alan M. Gottlieb, CCRKBA Chairman, and
Dave Workman, CCRKBA Communications Director

Timing is everything, and the U.S. Supreme Court's acceptance of a case regarding the constitutionality of a handgun ban in Washington, D.C. could become the most critically timed examination of a civil right in the nation's history.

The court's decision will come in the middle of the 2008 presidential campaign, galvanizing gun rights activists who will demand more than lip service about "support for the Second Amendment" from the front runners in both parties by that time.

An affirmative ruling by the high court that the Second Amendment protects an individual right to keep and bear arms – beyond membership in a militia – will crush a cornerstone of gun control extremism, that the amendment is protective only of some mythical "collective right" of states to organize such militias. It won't put the gun control lobby out of business, but it will have to rewrite its rhetoric.

In the case of *District of Columbia v. Heller*, we have the makings of a perfect storm in the political, philosophical and constitutional arenas where gun rights are concerned.

Anti-gunners have perpetuated the myth that the U.S. Supreme Court has never held the Second Amendment protective of an individual right, when the court has referenced such an individual's right several times.

Likewise, gun rights opponents have consistently misrepresented the 1939 ruling in *U.S. v. Miller* as establishing a "collective right" when a thorough reading of the *Miller* deci-

sion shows this to be preposterous.

Politicians who have championed restrictive gun laws could face the likelihood of having their political legacies left in shambles. Others who pander to the crowds about their "support" of the Second Amendment will suddenly have to learn that you don't "support" a civil right, you "live" it.

American voters will be able to pin down candidates from both major parties in the presidential and congressional races, all the way down to state and local contests, on where they stand on the issue of gun rights. It could be a watershed moment.

Philosophically, an affirmative ruling – even a narrow one that simply says District of Columbia residents enjoy the same right to have a handgun in their home for personal protection that citizens in the states now exercise – will force many Americans to rethink their attitudes about firearms and people who own them.

Such a ruling will not solve the predicament of social bigotry against gun owners, but as we saw in the civil rights movement of the 1960s, nothing good comes easily or all at once.

Constitutionally, there is no better time, and perhaps no better case, for the Supreme Court to rule that the Second Amendment protects individual citizens, not states. The right to keep and bear arms is as necessary today as it was when James Madison wrote the Second Amendment language more than 200 years ago, perhaps more so.

The right is not simply about national defense; it is about community and self defense. As we note in our new book, *America Fights Back – Armed Self Defense in a Violent Age*, "the right of self defense is hardly passé."

With violent crime rates rising, the ability to defend one's self and family with a firearm is all too frequently the difference between life and death at the hands of predatory criminals who seem to glide through the legal system, committing one crime after another, often while awaiting trial for previous crimes, or while they are appealing prior convictions.

This is the right that District of Columbia resident Dick Heller cannot now exercise because of the District of Columbia's 31-year old handgun ban.

That ban has been a colossal failure, leaving law-abiding citizens defenseless against inner-city thugs, and crime rates over the years prove it. His dilemma is shared by tens of thousands of his neighbors and by fellow citizens in cities including Chicago, Morton Grove, Wilmette and Oak Park, Illinois.

It is long past time when this question should be answered, and this debate put to rest.

**For the latest on the
Right to Keep and Bear Arms
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CCRKBA.ORG**

MEDICAL CCRKBA SCHOLAR HITS PEDIATRICS ACADEMY

One of the troubling developments of recent years is the fact that heretofore respectable professional organizations attempt to use their status as a springboard from which to attack tried and true American traditions, including and especially the individual Second Amendment civil right of law-abiding citizens to keep and bear arms.

Fortunately, there are respected members of the various professions who are wise to these tactics and who are ready, willing and able to confront them in public. One of these individuals is Timothy Wheeler, M.D., who holds a CCRKBA Gun Rights Defender of the Month Award and who is Director of Doctors for Responsible Gun Ownership, a project of the Claremont Institute.

A California oncologist, Tim recently took issue with the American Academy of Pediatrics (AAP) in a column he prepared for *National Review Online* (www.nationalreview.com). The column appeared just a few weeks after Tim addressed the Gun Rights Policy Conference, cosponsored by CCRKBA and the Second Amendment Foundation in suburban Cincinnati.

Dr. Wheeler noted that AAP filed an *amicus curiae* brief supporting the position of Washington, D.C. Mayor Adrian Fenty in the case of *District of Columbia v. Heller*.

In this case, which the U.S. Supreme Court has agreed to hear, Fenty maintains that a Washington, D.C. statute virtually banning private handgun acquisition and possession does not conflict with the Second Amendment because the Amendment recognizes only a

so-called collective right and not a genuine individual right.

"The AAP's brief," wrote Dr. Wheeler, "reads like a gun control pamphlet, of the kind put out jointly by the AAP and Handgun Control, Inc.'s Center to Prevent Handgun Violence back in the 1990s. Changes in the political climate, and accumulating scientific evidence, have all but neutralized the public health anti-gun arguments. Other organized medicine groups who previously have lobbied for gun control seem to have realized this. For some years they have been quiet on the issue, but the American Academy of Pediatrics is stuck in the 90s."

Noting that AAP claims "the United States generally and the District of Columbia in particular face the cruel reality that their children and youth are being slaughtered and maimed by handguns," Wheeler writes that "waving a bloody shirt got the pediatricians and other public health gun banners a lot of media attention years ago. It's not likely to have as much traction with the justices today."

When AAP wrote that "in response to this public health epidemic, the District of Columbia carefully considered and then enacted reasonable legislation narrowly tailored to thwart this crisis," Wheeler responded, "Narrowly tailored? Reasonable? It bans handguns outright. In practice it bans all other guns as well. Rifles and shotguns in one's home must be disassembled or otherwise disabled, making them useless for home defense."

AAP stated in its brief that "when a gun is carried outside the home by a high school aged youth, it is most likely to be a semiautomatic handgun (50 percent) and next most likely to be

a revolver (30 percent)." Wheeler responds, "This factoid states as a breathless revelation the well documented preference of criminals, even young ones, for high quality handguns instead of larger and less concealable firearms. Not stated is the factoid's inapplicability to 'high school aged youth' who are taught responsible firearm use by their fathers."

While AAP states "...each year nearly 90 children are killed and approximately 1,400 are treated in hospital emergency rooms for unintentional firearm related injuries," Wheeler suggests "a little context would be helpful here. The justices might find it useful to know that a few more kids die each year from adverse effects of medical care, and 12 times as many die from drowning. Better ban doctor visits and bathtubs, too, if Mayor Fenty and the council really care about the children."

Dr. Wheeler cautions that, "As with all matters before a court, the outcome of *D.C. v. Heller* is not certain. But it seems that the planets are lining up for champions of the Second Amendment. There is no longer any doubt that the founders meant it to affirm an individual right to keep and bear arms, and that the so called collective right of the states is a fabrication. If the amicus brief of the American Academy of Pediatrics is any indication, the gun ban movement has not only run out of steam, it has run out of credible arguments for denying D.C. residents, and other Americans that most natural of rights – the right to self-defense."

CONGRESS APPROVES NICS WITH CHANGES

Congress late last month approved the proposed so-called NICS Improvements Bill by voice vote in both the Senate and House of Representatives and sent it to the White House for signing or veto by President George W. Bush.

The measure was pushed by Rep. Carolyn McCarthy of New York and Sen. Chuck Schumer of New York with the active support of Rep. John Dingell of Michigan, the National Rifle Association and the Brady Campaign to Prevent Gun Violence.

Supposedly, it would clarify what mental health records should be reported to the National Instant Criminal Background Check System, give states financial incentives for compliance, and authorize the Attorney General of the United States to penalize states if they fail to meet

compliance targets.

For months, Sen. Tom Coburn of Oklahoma, with CCRKBA support, held up full Senate consideration of the bill after the House passed it by voice vote because of various concerns regarding the proposal. He argued, for instance, that the bill would not provide payment for successful appeals by veterans or other people who say they are wrongly barred from buying a gun.

Sen. Coburn, a CCRKBA Gun Rights Defender of the Month, came to agreement with supporters for changes in the NICS bill. Under terms of the agreement, the government would pay for the cost of appeals by gun owners and prospective buyers who argue successfully in court that they were wrongly deemed unqualified for mental health reasons.

The compromise would require that incorrect records, such as expunged mental health rulings that once disqualified a prospective buyer but no longer do so, be removed from the system within 30 days.

Originally, the bill would have required any agency, such as the Veterans Administration or the Defense Department, to notify a person flagged as mentally ill and disqualified from buying or possessing a handgun. Now it also would require that the notification be made when someone has been cleared of that restriction.

The bill would authorize up to \$250 million a year over five years for the states and as much as \$125 million a year over the same period for state courts to help defray the costs of enacting the policy.

CITIZEN ACTION PROJECT

As we begin a new year, let's consider the future of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. Critical to its future is our young law-abiding armed citizenry. It's important for the future of the right to keep and bear arms that potential law-abiding gun rights activists receive the encouragement now for the battles they surely will face with the gun grabbers of tomorrow.

CCRKBA Members and Supporters could look into whatever policies on gun rights exist in schools of which they are alumni. If these schools are in line with the Second Amendment, they ought to be encouraged and if not, they ought to be challenged, with letters to high school, college and university administrative officials.

Groups should be encouraged and supported. One of these, Students for Concealed Carry on Campus (SCCC), is a non-partisan, grassroots national organization of over 8,500 college students, faculty members, parents and concerned citizens who support the right of concealed handgun license holders to carry concealed handguns on college campuses.

SCCC seeks to educate the public about the facts of concealed carry and dispel the many myths about concealed carry. It's pushing state legislatures and school administrations to grant concealed handgun license holders the same right – the right to carry concealed handguns – on college campuses that these license holders currently enjoy at most other places. You may want to take a look at SCCC by checking out the group at <http://www.concealedcampus.org>.

RETIRED NYPD OFFICER THE CCRKBA DEFENDER

Philip Lynch, a retired New York Police Department law enforcement officer who now is a substitute teacher and newspaper columnist in Virginia's Shenandoah Valley, is the CCRKBA Gun Rights Defender of the Month for January.

In nominating Lynch for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "Philip's articulate public elucidation of the original and true meaning of the Second Amendment to the Constitution, coming especially from a former New York City police officer, the part of the country from which much of the most flagrant anti-gun propaganda originates, renders a most striking intellectual contribution to our cause. It underscores significantly the importance of the individual civil right to keep and bear arms. It does this as the United States Supreme Court prepares to hear arguments on whether the right to keep and bear arms is an individual right or a so-called 'collective right.' Philip renders tremendous service to the maintenance of the individual Second Amendment civil right to keep and bear arms. He certainly deserves to receive the CCRKBA Gun Rights Defender of the Month Award."

Writing recently in the News Leader (www.newsleader.com), published in Staunton, Virginia, Philip Lynch warned readers to "beware promises of safety at liberty's expense."

He pointed out that the Second Amendment "does not use the word 'people' until the 16th word. Some pundits and polemicists take that to mean that the Founding Fathers

did not actually mean that the people had the right to keep and bear arms. I assume that these same pundits never read the actual Constitution beyond the Preamble and the first two amendments. It might be helpful for these individuals to get hold of a copy of the Federalist Papers or listen to Thomas Jefferson, Samuel Adams or William Henry Lee.

"The Federalist Papers are a group of 85 letters written by James Madison, John Jay and Alexander Hamilton. James Madison was the fourth President of the United States. John Jay was the first Chief Justice of the U.S. Supreme Court. Alexander Hamilton was the first Secretary of the Treasury. In six of these letters, they wrote about their ideas regarding standing armies and militias. The present National Guard was not what they had in mind. In Federalist No. 46, Madison wrote, 'the advantage of being armed which Americans possess over the people of almost every other nation... (where) the governments are afraid to trust the people with arms.'"

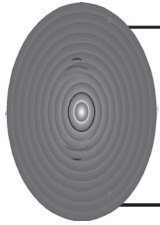
Lynch, who has an AB from Baruch College and an MA from Brooklyn College as well as 20 years' NYPD law enforcement experience, pointed out also that Thomas Jefferson stated, "Laws that forbid the carrying of arms...disarm only those who are neither inclined nor determined to commit crimes. Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

In Jefferson's America, Lynch noted

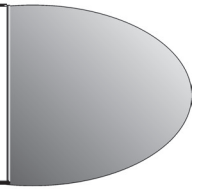
in quoting the author of our Declaration of Independence, "No free man shall ever be debarred the use of arms."

Humorously, Philip wrote that "Samuel Adams is now better known as a brewer of beer." In a serious vein, however, Philip wrote Adams "stated that '(the) said Constitution (shall) be never constituted to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceable citizens, from keeping their own arms.' Since the word 'people' is not mentioned until the 31st word of the First Amendment, did Adams mean that only the government would have freedom of the press?"

Now living in the Staunton area with his wife Anne and sons Andrew and Sean, Philip declared that "the Second Amendment was not written for hunters or target shooters. It was written for responsible people to protect their country, their communities, their families and themselves. It was written so that free people can remain free. Everyone knows Patrick Henry's famous line, 'Is life so dear or peace so sweet as to be purchased at the price of chains and slavery? ... I know not what course others may take, but as for me, give me liberty or give me death!' What is less known, but perhaps more important, is that Henry also said, 'Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel.' Be careful of those that promise safety at the expense of your freedom."



QUICK SHOTS



As CCRKBA Executive Director Mark Taff criticized President Bush's nomination of Michael Sullivan to be permanent director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), Idaho's two U.S. Senators, Larry Craig and Mike Crapo, both CCRKBA Congressional Advisors, placed separate holds on the nomination. Under Senate rules, even a single Senator can put a hold on legislative action for months. Bush nominated Sullivan, who is a U.S. Attorney in Massachusetts and Acting Director of BATFE, in March, and the Senate Judiciary Committee approved the nomination in November. The only way gun owners can support Sullivan's nomination, said Taff, is if he clearly and publicly details the steps he will take to stop the abuses at BATFE and begins to implement said policies immediately. "Until that happens," Taff stated, "we fully support the indefinite hold on his nomination and encourage President Bush to revisit his decision to nominate Mr. Sullivan."



In his first policy speech as the newly-confirmed Attorney General of the United States, Michael B. Mukasey said that a federal list of mentally ill people prevented from buying guns has doubled in size since the Virginia Tech shootings last April. He encouraged more states to add information to the database. Mukasey said stepped-up reporting by states had added information about 393,957 mentally ill people to the federal database used to screen

potential purchasers of firearms, reported *The New York Times*. In July, the data base had 174,863 names. Currently, 32 states submit names to the mental health database. "It'd be nice to have 50," said Mukasey.



In a recent column on firearms safety, pistol-packing author Rick Perry of LewRockwell.com analyzed statistics published by the National Safety Council and the National Shooting Sports Foundation. "Firearm related accidents have steadily decreased since such record keeping began in 1903," he reported. "Far more important and dramatic is that for the past 10 years this drop was extra dramatic." He notes that, "in the past 10 years, firearm related accidents in the home have dropped by more than 44 percent!" He notes also that, over the past nine years, the number of unintentional firearm related fatalities for children and under has decreased by 69 percent, firearms are involved in fewer than 1.2 percent of accidental fatalities among children 14 and under, and the number of unintentional firearm related deaths has decreased by 40 percent – from 1,225 accidental deaths in 1995 to 730 in 2005.



A two-year surge in violent crime has slowed significantly, with a number of large cities reporting dramatic drops in murders and other violent offences for the first six months of 2007, concludes *The Washington*

Post in an analysis of a report from the Police Executive Research Forum. The report examines several years of statistics for homicides, robberies and aggravated assaults from 56 of the nation's largest jurisdictions. It also includes crime data from more than 100 other cities, suburbs and towns. For the main jurisdictions, the report shows an overall decline in the number of homicides, robberies and aggravated assaults in the first six months of 2007, when compared with the first half of 2006.



"The Bill of Rights details individual rights that government cannot take away," writes columnist Ken Blackwell on Townhall.com in discussing the potential impact of gun rights issues during this year's presidential campaign. "When the framers referred to the people, they meant the individual, not the government. Most Americans get it. Even liberal legal scholars like Alan Dershowitz and Lawrence Tribe get it when it comes to the individual rights guaranteed by the Second Amendment. They believe the clear wording of the document favors the individual's gun rights... With nearly 100 million American gun owners and a fluid nominating process in both primaries, Second Amendment voters matter. In fact, their votes could be the deciding factor in the volatile Iowa and New Hampshire contests propelling the winner into the pivotal South Carolina and Florida primaries."

4

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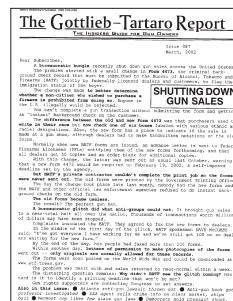
The Journal of Firearms and Public Policy:

At last, an academic journal dedicated to scholarly discussion of firearms and public policy! The JOURNAL OF FIREARMS AND PUBLIC POLICY has published annually since 1989. Its mission: to encourage objective research on the right to keep and bear arms, and explore America's Constitutional heritage to privately own and possess firearms. Edited by David B. Kopel – Research Director at the Independence Institute and renowned gun-rights scholar – and contributors include Randy E. Barnett, Glenn Harlan Reynolds, John R. Lott, Joseph P. Tartaro, Gary Kleck, and others.

The Gottlieb-Tartaro Report:

Here's a monthly newsletter that gives you inside gun-rights information from the desks of active principals in the battle for the right to keep and bear arms. The GOTTLIEB-TARTARO REPORT is headed by Alan M. Gottlieb – chairman of the Citizens Committee for the Right to Keep and Bear Arms – and Joseph P. Tartaro – editor of Gun Week and president of the Second Amendment Foundation. This monthly newsletter is full of inside gun rights news straight from the desks of the experts. Not available on newsstands. Regular subscription \$60 per year.

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