

POINT BLANK

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



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IN THIS ISSUE

Arguments at the Supreme Court	1
Student Heroism Ignored	2
Ammo Coding Probe Needed	3
States Favor End of DC Ban	4
Kopel, Gallant & Eisen v. U.N.	5
Citizen Action Project	5
Defender of the Month	6
Quick Shots	7

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SUPREME COURT HEARS D.C. – HELLER GUN CASE



CCRKBA Director John Snyder and Dick Heller got together inside the U.S. Supreme Court building to discuss Heller's challenge to the D.C. handgun ban just before the Justices convened to hear arguments in the case, *District of Columbia v. Heller*. Photo by Ling Woo.

Snyder told Heller he was grateful to him for pursuing the matter for the better part of a decade. Heller is a security guard who wants to be able to keep a handgun in his home, something he is prevented from doing by the D.C. law. He's challenging the law as a violation of the Second Amendment individual right to keep and bear arms. A year ago, an appellate court agreed with Heller and declared the D.C. law unconstitutional. D.C. challenged the lower court ruling and brought the case to the Supreme Court.

Chief Justice John Roberts convened the historic March 18 session. Also present were all eight Associate Justices: Samuel Alito, Stephen Breyer, Ruth Bader Ginsburg, Anthony Kennedy, Antonin Scalia, David Souter, John Paul Stevens and Clarence Thomas.

Representing Heller before the Court was attorney Alan Gura, last month's CCRKBA Gun Rights Defender of the Month. Walter Dellinger represented the District. U.S. Solicitor General Paul Clement represented the U.S. Justice Department.

Earlier, CCRKBA had filed a brief supporting Heller and dismantling D.C. arguments that the Second Amendment was written only to protect a state's right to organize and maintain a militia. CCRKBA maintains that the individual right to keep and bear arms is the cornerstone of liberty and public safety in the United States.

A decision is expected within months.

CCRKBA HITS PRESS NEGLECT OF ARMED STUDENT'S HEROISM

CCRKBA blasted large segments of the American press for down-playing the heroism of an armed student overseas because it proves that armed students can stop campus gunmen.

The controversy developed as the movement in the United States to allow qualified law-abiding students and professors to carry concealed firearms on campus for the protection of themselves and their associates began to gather momentum in a number of states.

The heroic armed student at the Mercaz Haray seminary in Jerusalem played a crucial part in stopping a gun-wielding terrorist in early March.

Reporter Etgar Lefkovitz of the *Jerusalem Post* described Yitzhak Dadon, 40, as "a private citizen who had a gun license and was able to shoot the gunman with his pistol." However, many news agencies in the United States downplayed Dadon's decisive role in the incident.

"Yitzhak Dadon is a hero," declared CCRKBA Chairman Alan M. Gottlieb, "and he is living proof that armed students have a place on college campuses. Thankfully, his quick action was reported by the international press, including Mr. Lefkovitz, unlike incidents here where the press was able to completely ignore the actions of armed students or teachers, the truth about this incident will not be suppressed."

Internationally published reports indicate Dadon studies at the Yeshiva, and had his pistol when the shooting erupted. When the gunman emerged from a library, Dadon reportedly shot him twice in the head.

In Jerusalem, reports said one or possibly two gunmen infiltrated

the Mercaz Harav Yeshiva and fired hundreds of rounds of bullets at the students. One terrorist, who may have been armed with an explosive device, made his way to the yeshiva's main study room, where about 80 students reportedly were gathered. Israeli police said eight were killed and nearly a dozen wounded.

"Yitzhak Dadon's well-placed bullets interrupted a rampage," Gottlieb said. "What a pity that someone like Mr. Dadon was not in class last April at Virginia Tech. What a tragedy that anti-gun extremism would keep him from attending class at Northern Illinois University. He would never be allowed to teach at Columbine High School, hold a job at Trolley Square in Salt Lake City, or go shopping at Omaha's Westwoods Mall.

"America's acquiescence to anti-gun hysteria has led to one tragedy after another. This disastrous policy has given us nothing but broken hearts and body counts, and it's got to end. The heroism of an armed Israeli seminary student halfway across the world sends a message that we needn't submit to murder in victim disarmament zones. That's why his actions are getting short shrift from America's press. It's a story they are loathe to report because it affirms a philosophy of self-reliance that they despise."

With the slayings at Virginia Tech last year and Northern Illinois University two months ago still fresh on people's minds, attempts are under way to rectify this American acquiescence to anti-gun hysteria. Bills to allow people with concealed weapons permits to carry on public school and college campuses have been introduced in the state legisla-

tures of Arizona, Georgia, Indiana, Kentucky, Ohio and South Carolina. State legislators in Alabama, Michigan and Tennessee reportedly are considering bills that, if enacted into law, would allow faculty and staff to carry concealed weapons on campus.



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

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CCRKBA WANTS PROBE OF AMMO CODING CAMPAIGN

CCRKBA is calling on lawmakers in Arizona, Hawaii, Illinois, New York, and Washington, as well as other states, to scrutinize legislation that would require ammunition coding, because it mandates a sole source monopoly for a Seattle-based company that owns the technology.

Based on a *Gun Week* article, and after examining virtually identical legislation that has been introduced in several states, CCRKBA Chairman Alan M. Gottlieb said there are serious questions that need to be addressed about these measures, and the effort to pass them into law.

"Sponsors of bills that would require coding of cartridge casings and bullets in their respective states have neglected to mention that there is only one company in the country with the technology, and that company has been working with a 'hired gun' consulting firm that offers its help to lawmakers drafting the legislation," said Gottlieb. "Essentially, you have state legislators working as promoters for a company called Ammunition Coding System, pushing measures in at least 10 states that would mandate the use of this proprietary technology at the expense of gun owners."

"Even if the technology were licensed to various ammunition manufacturers, it still puts one company in a monopoly position. On its own website, the company even acknowledges that legislation would be required to implement what many gun owners believe is a back-door gun registry, by forcing dealers to keep records on who purchases ammunition."

Gottlieb said that, "Creating a technology, and applying for a patent

while hiring a consulting firm to push legislation that requires this technology is horribly self-serving. The fact that in every state these measures are being pushed, the sponsors are anti-gun lawmakers, simply adds to the suspicion.

"Giving one company a legislated monopoly in any other area would bring down a media firestorm. The government should never allow it. State senators, representatives or assemblymen who get involved with this effort should ask themselves just what it's worth to become essentially lobbyists for a monopoly."

The gun grabbers seem committed now to the concept of ammunition legislative restrictions as a means toward gun control.

Another approach

Another approach to ammunition control that the gun control lobby seems fascinated with these days is the mandated microstamping of certain ammunition.

As an indication of how important the gun grabbers consider this legislative approach in their overall campaign against legal firearms ownership in the United States, the Coalition to Stop Gun Violence, known formerly as the National Coalition to Ban Handguns, recently put out a statement that proclaims: "Microstamping Gaining Great Momentum."

"Last October," stated Joshua Horwitz, J.D., the group's Executive Director, "we notified you of a historic victory for public safety when California Governor Arnold Schwarzenegger signed a first-of-its-kind microstamping bill into

law. Microstamping technology utilizes lasers to make microscopic engravings on the breech face and firing pin of a gun. As the gun is fired, the weapon's serial number is stamped onto the cartridge. The technology promises to greatly aid law enforcement officials in investigating homicides and other gun crimes. There is now real excitement about microstamping in the gun violence prevention movement. Since October, our phones have been ringing off the hook with inquiries about how the technology can be enacted in other states and municipalities. So far, the following additional state legislatures are considering microstamping legislation: Virginia, New Jersey, Connecticut, Rhode Island, Massachusetts, New York and Wisconsin. There have also been calls for the Maryland General Assembly to draft a microstamping bill, and, in his recent State of the City Address, New York City Mayor Michael Bloomberg touted the common sense benefits of the technology."

Horwitz did mention, though, that "there is even microstamping legislation at the federal level, with Senator Edward Kennedy and Congressman Xavier Becerra having recently introduced S. 2605 and H.R. 5266, respectively, in the U.S. Congress."

Senator Kennedy in turn noted that, in addition to support from the Coalition to Stop Gun Violence, the microstamping proposal has the support of "the Brady Campaign to Prevent Gun Violence, the U.S. Conference of Mayors, the Honorable Thomas M. Menino, Mayor of Boston, the Boston Police Department, and the Honorable Gregory Nickles, the Mayor of Seattle."

MOST STATES FAVOR END TO DC GUN LAW

As Justices of the United States Supreme Court last month prepared to hear arguments in the District of Columbia v. Heller case involving the Second Amendment, they found that the Attorneys General of 31 states called for confirmation of an appellate court ruling that DC's anti-gun law is a violation of the U.S. Constitution.

On the other hand, the Attorneys General of only five states are asking the Supreme Court to reverse the appellate court's decision.

At issue is whether the DC ordinance, which, among other things, virtually prohibits the private possession of a handgun, even in the home, by DC citizens, violates the Second Amendment right to keep and bear arms. According to last year's appellate court decision, it does, since the Second Amendment protects an individual right to keep and bear arms. The District of Columbia and its supporters argue that it does not since according to them the Amendment comprehends a collective right, as distinguished from an individual right.

The Attorneys General of five states, Hawaii, Maryland, Massachusetts, New Jersey and New York, sided with the District in an *amici curiae* brief, or friends of the court filing.

Attorneys General of Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia and Wyoming agree with the appellate court decision and, in their *amici*

curiae brief, ask the Supreme Court to affirm it, thereby knocking out the DC law.

The 31 Attorneys General maintain the 31 states "have an interest in the case because of its potential impact on their citizens' constitutional rights. The individual right to keep and bear arms is protected by the United States Constitution and the constitutions of 48 states. Given the significance of this fundamental right, the states have a substantial interest in ensuring that the Second Amendment is accorded its proper scope.

"The amici states believe that the court of appeals' decision – that the Second Amendment protects an individual right to keep and bear arms – is correct and fully consistent with the Framers' intent. Moreover, the District of Columbia's categorical gun ban is markedly out of step with the judgment of the legislatures of 50 states, all of which protect the right of private citizens to own handguns."

The 31 write that, "The right to keep and bear arms enjoys prominent placement at the outset of the Bill of Rights. Yet the central issue is whether that constitutional provision retains any vitality whatsoever. The District of Columbia's position, as the court of appeals explained, is that 'the Second Amendment is a dead letter. That a historical contention – supported by modern-day advocates who disagree with the policy judgments embodied in that Amendment – runs contrary to both the text and the original understanding of our Constitution.

"Because the Second Amendment's text recognizes a 'right,' not a 'power,' and guarantees that right to 'the people,' and not 'the states,' it necessarily secures an individual right to keep and

bear arms. The First, Fourth and Ninth Amendments likewise protect the 'rights' of 'the people,' and none dispute that those Amendments protect individual rights. The Tenth Amendment, in turn, expressly distinguishes between 'the states' and 'the people,' demonstrating that the Framers knew well the difference. And, this Court has made clear, 'the people' is a term of art, with the same meaning throughout the Bill of Rights."

The 31 Attorneys General contend that "the District's contrary position is based largely upon a misconstruction of the Amendment's prefatory clause. Although the preamble states that keeping a well-regulated militia is one purpose of the right, nothing in that statement contradicts the Amendment's operative language. The District's interpretation of that prefatory language as limiting the Amendment only to members of organized state militias runs contrary to the understanding – and statutory definition – at the time of the Founding that all able-bodied males armed with their own private weapons comprised the 'Militia.'"

The 31 Attorneys General argue that the individual rights interpretation of the Second Amendment is "buttressed by an unbroken line of commentary from the Framers to 19th century scholars to the bulk or modern scholarship. Indeed, the unmistakable trend among constitutional scholars – even those who might otherwise disfavor private firearms possession – is toward recognition that the Second Amendment protects an individual right, as its plain text suggests."

SCHOLARS TORPEDO UN GUN GRABBERS

A trio of American scholars recently documented the fact that the right of personal self-defense is an important foundation of international law.

This torpedoed the position of United Nations personnel and some non-governmental organizations that there is no human right to self-defense or to the possession of defensive arms.

The documented article by David B. Kopel, Paul Gallant and Joanne D. Eisen, *The Human Right of Self-Defense*, appears in the Brigham Young University Journal of Public Law, 22 BYU Journal of Public Law (Number 1, Fall 2007) 43-127, and is available at <http://www.law2.byu.edu/jpl/index.htm>.

Kopel, Gallant and Eisen note that since the 1990s, the UN has been focusing increasing attention on

international firearms control. UN-backed programs have promoted and funded the surrender and confiscation of citizen firearms in nations around the world. A sub commission of the UN Human Rights Council (HRC) has declared that there is no human right to self-defense and that extremely strict gun control is a human right which all governments are required to enforce immediately.

The declaration implements a report for HRC prepared by Special Rapporteur Barbara Frey. According to the Frey standard adopted by the United Nations, even the most restrictive gun laws in the United States are violations of human rights law because they are insufficiently stringent.

The trio's article investigates the legal status of self-defense by

surveying international law from its earliest days to the present. It analyzes in detail the Founders of international law, the great scholars in the fourteenth through eighteenth centuries who created the system of international law. It examines the major legal systems which have contributed to international law, such as Greek law, Roman law, Spanish law, Jewish law, Islamic law, Canon law, and Anglo-American law.

It covers the full scope of contemporary international law sources and shows that international law is founded on the personal right to self-defense.

Kopel, Gallant and Eisen demonstrate that self-defense is a recognized human right which no government and no international body have the authority to abrogate.

CITIZEN ACTION PROJECT

The anti-gun movement in the United States is promoting various forms of ammunition control as a backdoor approach to gun control.

Whether the anti-ammunition proposals take the form of measures mandating the coding of cartridge casings and bullets or the microstamping of ammunition, the effect of such proposals is to make it more difficult and costly to produce and market the ammunition. This in turn would infringe seriously on Americans' gun rights by making it more difficult and costly for people to obtain ammunition.

Although the gun grabbers argue that the legislation would be an effective means for reducing or preventing violent criminal activity, the fact of the matter is that according to a report last month from the National Research Council, the fundamental assumption underlying forensic firearms identification – that every gun leaves microscopic marks on bullets and cartridge cases that are unique to that weapon and remain the same over repeated firings – has not yet been fully demonstrated scientifically.

The report cautions that the statement commonly made by firearms examiners that "matches" of ballistic evidence identify a particular source gun "to the exclusion of all other firearms" should be avoided. It indicates that currently there is no statistical justification for such a statement, and that it is inconsistent with the element of subjectivity inherent in any firearms examiner's assessment of such a match.

Since ammunition control bills have been introduced in a number of state legislatures as well as in Congress, it would be a good idea for Point Blank readers to write, email, fax and telephone their state legislators as well as their U.S. Representative and both of their U.S. Senators and let them know that these proposals in reality are anti-gun proposals designed to undermine gun rights of millions of law-abiding Americans. They should be rejected.

NETWORK TV NEWS REPORTER NAMED CCRKBA GUN DEFENDER

John F. Stossel, a consumer reporter, author and co-anchor for the network television ABC News show *20/20*, has been named CCRKBA Gun Rights Defender of the Month for April.

In nominating Stossel for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "While many people rightfully complain about anti-gun owner bias in the mainstream media, it nonetheless is true that there are at least a few media personalities who are not infected with this bias and who in fact forthrightly maintain and defend the viability of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. Surrounded as they are with fellow professionals who generally are off the wall in their animosity towards gun rights, these few are outstanding in their professional commitment to the truth regarding the right to keep and bear arms. Such a professional is John Stossel, and it's hard to praise and commend him too highly for his articulate defense of our rights in what possibly is a truly wretched and vapid intellectual environment. He most surely deserves the CCRKBA Gun Rights Defender of the Month Award."

Stossel recently blasted an anti-gun *New York Times* editorial for calling upon U.S. Senators "to realize that the innocence of Americans is

better protected by carefully controlling guns than it is by arming everyone to the teeth."

That newspaper's editors, stated Stossel, "seem unaware of how silly their argument is. To them, the choice is between 'carefully controlling guns' and 'arming everyone to the teeth.' But no one favors 'arming everyone to the teeth' (whatever that means). Instead, gun advocates favor freedom, choice and self-responsibility. If someone wishes to be prepared to defend himself, he should be free to do so. No one has the right to deprive others of the means of effective self-defense, like a handgun.

"As for the first option, 'carefully controlling guns,' how many shootings at schools or malls will it take before we understand that people who intend to kill are not deterred by gun laws? Last I checked, murder is against the law everywhere. No one intent on murder will be stopped by the prospect of committing a lesser crime like illegal possession of a firearm. The intellectuals and politicians who make pious declarations about controlling guns should explain how their gunless utopia is to be realized. While they search for - excuse me - their magic bullet, innocent people are dying defenseless."

According to Stossel, "Laws that make it difficult or impossible to carry a concealed handgun do deter one group of people: law-abiding citizens who might have used a gun to stop crime. Gun laws are laws against self-defense.

"Criminals have the initiative. They choose the time, place and manner of their crimes, and they tend to make choices that maximize their own, not

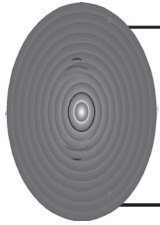
their victims', success. So criminals don't attack people they know are armed, and anyone thinking of committing mass murder is likely to be attracted to a gun free zone, such as schools and malls."

Stossel, born 1947 in Chicago Heights, Illinois, noted that, "Government may promise to protect us from criminals, but it cannot deliver on that promise. This was neatly summed up in a book title a few years ago: 'Dial 911 and Die.' If you are the target of a crime, only one other person besides the criminal is sure to be on the scene: you. There is no good substitute for self-responsibility. How, then, does it make sense to create mandatory gun free zones, which in reality are free crime zones?

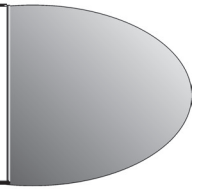
"The usual suspects keep calling for more gun control laws. But this idea that gun control is crime control is just a myth. The National Academy of Sciences reviewed dozens of studies and could not find a single gun regulation that clearly led to reduced violent crime or murder. When Washington, D.C. passed its tough handgun ban years ago, gun violence rose. The press ignores the fact that often guns save lives. It's what happened in 2002 at the Appalachian School of Law. Hearing shots, two students went to their cars, got their guns and restrained the shooter until police arrested him."

John began his journalism career as a researcher for KGW-TV and later became a consumer reporter at WCBS-TV in New York City before joining ABC News as consumer editor and reporter on *Good Morning America*. He lives in New York City with his wife and their two children.

Visit
www.ccrkba.org



QUICK SHOTS



With presidential and congressional elections coming up later this year, 2008 is a most important time for defending and promoting the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. To participate in significant discussions about these matters, as well as the possible fallout from a potential U.S. Supreme Court decision regarding the meaning of the Second Amendment, and other gun rights matters, be sure to plan on attending the national 23rd Annual Gun Rights Policy Conference, sponsored by CCRKBA and the Second Amendment Foundation. It's not too early to register. It's being held September 26, 27 and 28, just a matter of weeks prior to national, state and local elections, at the Sheraton Crescent in Phoenix, Arizona. For more information, please call (425) 454-7012.



"In view of the rash of shootings recently, may I suggest that what the United States needs is not gun control, but shrink control," writes nationally syndicated columnist Charley Reese in the Fayette Daily News. "When you trace the cause of most of these shootings, it is inevitably mental health problems in the shooter, and all too often the shooter is receiving or has received treatment...It is as plain as an elephant at a tea party that when someone turns a dangerous person loose on society, he or she shares responsibility

for whatever harm that dangerous person causes. We hold dog owners liable if their dog attacks someone, yet we let psychiatrists get away with unleashing people who are far more dangerous than a pit bull. Crimes are never caused by inanimate objects. They are always caused by human beings."



In Virginia, Governor Tim Kaine vetoed two right to carry bills passed by both houses of the state legislature. One would have allowed non-concealed carry permit holders to safely store a handgun in a locked container or compartment in a vehicle or boat. The other would have allowed restaurants and clubs to decide whether or not concealed carry permit holders may carry concealed firearms in their dining establishments for self-defense, provided that the CCW permit holder does not consume alcohol. At present, 31 states do allow concealed carry in restaurants. Later, the Virginia State Senate failed to override the Governor's veto of both bills.



Near Longmont, Colorado, a boy fired a gun and chased away a burglar who tried to break into a house north of the city one afternoon last month, reported the Times Call. Ryan Dohoney was home alone when he heard a burglar inside the house at about half-past noon, said Boulder

County Sheriff's deputies. Dohoney fired a shot to scare the burglar off. The burglar fired one shot, ran out the door and ran from the property, deputies said. The burglar was dressed in black and wore a mask, deputies said. Deputies did not say who fired the first shot, though both were fired inside the house. No one was injured. Deputies rushed to the scene after dispatchers received calls about shots being fired. Investigators did not locate the suspect immediately.



More and more women are buying weapons for self-defense in reaction to an increase in violent crime in Austria, reports the *Wiener Zeitung*. Johann Springer, manager of a Vienna weapons firm, Joh. Springer's Erben, says that 20 to 25 percent of its customers in urban areas are women. Some buy pistols and revolvers, but more buy pepper spray and alarm devices, he adds. Other women are taking martial arts courses. Irmengard Hanzal, the chief instructor at the Vienna Self Defense and Martial Arts Institute, says that "rising crime is certainly a motivating factor." Although she acknowledges that possession of a weapon increases a sense of personal security, she says that she first teaches her students how to use their bodies to defend themselves. Forty percent of her customers are women, she says, and many of them have been the victims of assaults.

4

Publications from the Second Amendment Foundation:



Women & Guns:

Finally, a magazine just for America's 15 million gun-owning women! WOMEN & GUNS is the only magazine of its kind in the world. Written and edited by women, for women, WOMEN & GUNS emphasizes self-defense and personal protection – including real life tips on surviving attacks – as well as recreational and sport shooting. Each issue features top women gunowner profiles, personal protection tips, product reviews, and a useful, eye-opening legal column. WOMEN & GUNS is a must-have for every gun owning woman.

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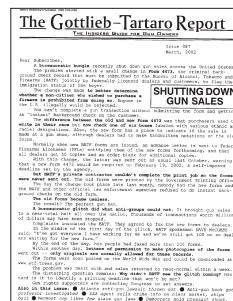
The Journal of Firearms and Public Policy:

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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