

# POINT BLANK

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



**August  
2008**  
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## **CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**

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## **CCRKBA FIGHTING TO PROTECT GUN DECISION**

CCRKBA is battling in the Nation's Capital to protect the Supreme Court gun rights decision in *District of Columbia v. Heller* from attempts to undermine it by anti-gun politicians in Washington, D.C.

In that historic *Heller* decision, the high Court ruled that the Second Amendment protects an individual, as distinguished from a collective, right to keep and bear arms. It declared unconstitutional a District of Columbia law which prohibits a law-abiding citizen from keeping a handgun in his or her home for self protection.

District government officials, stung by this put-down by the Supreme Court, have enacted new legislation which still prohibits semiautomatic handgun possession under a fallacious definition including semiautomatic firearms in the definition of machine guns.

The new District legislation also requires that each firearm registrant keep his or her gun unloaded and either disassembled or secured by a trigger lock, gun safe or similar device, even though the Court struck down the D.C. trigger lock requirement. It ruled it is unconstitutional to require that firearms be rendered inoperable at all times in the home.

Joe Waldron, CCRKBA Legislative Director, observed that the new law prevents people with certain physical defects from keeping and possessing firearms, and wondered if D.C. officials "ever heard of the Americans With Disabilities Act."

CCRKBA supports H. Res. 1331, by Rep. Mark Souder of Indiana, a former CCRKBA Gun Rights Defender of the Month, providing for the consideration of a modified version of H.R. 1399, the proposed Second Amendment Enforcement Act. H.R. 1399, by Reps. Souder and Mike Ross of Arkansas, with 247 cosponsors, is identical to S. 1001, by Sen. Kay Bailey Hutchison of Texas, with 47 cosponsors.

H. Res. 1331 would force early House consideration of H.R. 1399 if activated by a discharge petition Souder informs *Point Blank* he plans to file. The petition would require the signatures of 218 Members of the House of Representatives. It would ensure early consideration of legislation to enforce *Heller* by repealing D.C. Code provisions that were at issue in the *Heller* case, and by preventing D.C. from enacting restrictions undermining the right to keep and bear arms.

"The crunch is on," said CCRKBA's John Snyder. "Souder needs all the help he can get to bring the proposed Second Amendment Enforcement Act to the floor. We urge CCRKBA Members and Supporters to contact their Representatives and urge them to support Rep. Souder's H. Res. 1331."

# GUN GRABBERS DIG IN AFTER COURT DECISION

Following the recent gun rights decision of the United States Supreme Court, the gun grabbers let it be known that, despite the validation of the individual Second Amendment civil right of law-abiding American to keep and bear arms in *District of Columbia v. Heller*, they would continue in their adamant opposition to gun rights.

The District of Columbia has continued to render impossible the legal possession and registration of a semiautomatic handgun.

"Our fight to enact sensible gun laws will be undiminished by the Supreme Court's decision in the *Heller* case," proclaimed Paul Helmke, President of the Brady Center and Brady Campaign to Prevent Gun Violence."

The anti-gun leader added that "proposals such as requiring Brady background checks on all gun sales, limiting bulk sales of handguns, and strengthening the power of federal authorities to shut down corrupt gun dealers can now be debated on their merits without distractions of fear or ideology."

Anti-gun Sen. Dianne Feinstein of California claimed the Court's decision will "open the doors to litigation against every gun safety law that states have passed—assault weapons bans, trigger locks and all the rest of it."

The *Chicago Tribune* called for repeal of the Second Amendment.

Rev. Jesse Jackson of Operation Push/Rainbow Coalition referred to the majority of the Court in the *Heller* decision as "a right wing...gang of five." He accused the Justices of "distort(ing) the clear meaning of the words of the Second Amendment

and reinvent(ing) the intent of the Founders."

Mayor Richard M. Daley called *Heller* "a very frightening decision." He wondered: "Does this lead to everyone having a gun in our society"?

As if in counter-response to Daley and Jackson, proponents of gun rights gathered in Chicago one day last month to promote legislation legalizing concealed firearms in Illinois.

Although recent rallies have been demands for more and more gun control laws, the plaza was full in mid-July with citizens demanding the right to keep and bear arms.

In a show of support for responsible gun ownership, about 200 showed up for a Second Amendment Freedom Rally.

"With the U.S. Supreme Court decision we are celebrating here today," said Valinda Rowe of IllinoisCarry.com, "I see those days of fear coming to an end."

"The truth is, a gun ban doesn't work," said Mike Weisman of the Illinois State Rifle Association (ISRA), "criminals don't obey gun laws."

Dr. Suzanna Hupp, a Texas state legislator and former CCRKBA Gun Rights Defender of the Month, flew in to tell the crowd of an incident in 1991 when a gunman crashed into a restaurant where she ate with her parents. Then the gunman shot her parents and 21 others. She was not armed at the time because she was obeying a Texas state law prohibiting it.

"The only thing the gun laws did that day was prevent us in that restaurant from protecting ourselves," she said. She subsequently campaigned successfully for CCW reform in the

Lone Star State.

In a separate statement, CCRKBA Chairman Alan M. Gottlieb noted that, "Chicago's handgun ban has failed to stop violent crime." He added that the Second Amendment Foundation, of which he is Founder, ISRA and four Chicago residents filed a lawsuit in federal district court in Chicago to overturn the ban. "It's time to give the Constitution a chance," he said.



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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 AWARDEE BLASTS OBAMA ON 2ND AMENDMENT

Jacob Sullum, a former CCRKBA Gun Rights Defender of the Month who also is a nationally syndicated columnist, recently exposed the two-faced aspects of presumptive Democratic Party presidential nominee Barack Hussein Obama's Second Amendment positions in a column for Townhall.com.

Titled "Obama's Toothless Second Amendment," Sullum's column noted that after the Supreme Court overturned the Washington, D.C. gun ban, Senator Obama of Illinois stated that, "What works in Chicago may not work in Cheyenne." Sullum wrote that while Obama was talking about gun control laws, "he could just as well have been talking about his interpretation of the Second Amendment.

"I have always believed that the Second Amendment protects the right of individuals to bear arms," Obama said after the ruling was announced, "but I also identify with the need for crime-ravaged communities to save their children from the violence that plagues our streets through common sense, effective safety measures. The Supreme Court has now endorsed that view."

"Not quite. The Court concluded that the D.C. gun law, which 'bans handgun possession in the home' and 'requires that any lawful firearm in the home be disassembled or bound by a trigger lock at all times, rendering it inoperable,' violates the Second Amendment because it effectively prohibits keeping guns for self-defense."

In a pointedly sarcastic recollection, Sullum recalled that, "last November, by contrast, Obama's campaign told the *Chicago Tribune* 'Obama believes the D.C. handgun law is constitu-

tional.' The candidate was so upset about that misrepresentation of his views that he sought to correct it – seven months later. A few hours before the Supreme Court pronounced the D.C. gun ban unconstitutional, an Obama spokesman told ABC News his campaign's November statement to the contrary 'was obviously an inartful attempt to explain the senator's position.'

"That belated blurification was an inartful attempt to *avoid* explaining the senator's consistent position, which he has repeatedly confirmed. In a February 12 interview, Leon Harris of WJLA, the ABC affiliate in Washington, said to Obama, 'You support the D.C. handgun ban, and you've said that it is constitutional.' Obama nodded, saying, 'Right, right.' Three days later, at a press conference in Milwaukee, Obama cited the D.C. law as an example of gun control that's consistent with the Second Amendment."

According to Sullum's analysis, "Obama's view is similar to that of Justice Stephen Breyer, who dissented from the Supreme Court's decision. Even if the Second Amendment protects an individual right to armed self-defense, Breyer said, that right has to be weighed against 'other important governmental interests.' And since a gun law like D.C.'s *might* reduce violent crime (never mind the lack of evidence that it actually has), the courts should yield to legislators'

judgments about how best to strike the balance.

"Writing for the majority, Justice Antonin Scalia replied: "We know of no other enumerated constitutional right whose core protection has been subjected to a freestanding 'interest balancing' approach. The very enumeration of the right takes out of the hands of government the power to decide on a case-by-case basis whether the right is *really worth* insisting upon. A constitutional guarantee subject to future judges' assessments of its usefulness is no constitutional guarantee at all."

The Supreme Court decision, according to Sullum, "does not bode well for Chicago's handgun ban. Since the Court held that D.C. violated the Second Amendment by banning the sort of gun most people prefer for home defense, the only real question in the Chicago case is whether the amendment applies to state and local governments as well as federal domains such as the District of Columbia."

He concluded, "It seems likely that the right to arms – which, Scalia emphasized, stems from the basic right of self preservation – will be added to the list of civil liberties that the 14<sup>th</sup> Amendment compels states and municipalities to respect. If so, Obama's vision of a toothless Second Amendment will not prevail for much longer, even in Chicago."

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# CCRKBA TELLS BLOOMBERG TO CLEAN UP HIS OWN ACT

Anti-gun New York City Mayor Michael Bloomberg ought to clean up his own act before interfering in other people's concerns, says CCRKBA.

CCRKBA noted last month that, while Bloomberg "frets" about the guns of America's tens of million of law-abiding firearms owners, his own New York City Police Department "can't keep track of theirs."

CCRKBA proposed that Bloomberg should "mind his own store before telling others how to operate theirs" after an audit found that the New York City Police Department lost track of dozens of guns in its own storage lockers.

"While this guy has been bullying gun dealers around the country about so-called 'slip-shod' operations," chuckled CCRKBA Chairman Alan M. Gottlieb, "his own police department seems to be slipping quite a bit on its own. Bloomberg needs to back off, shut up and get his own house in order before telling others how to operate."

Gottlieb was reacting to a report in *The New York Times* that "nearly one out of three handguns and rifles that had been turned in to the police could not be immediately accounted for in a Manhattan property clerk's office."

"The audit, conducted by the office of William C. Thompson, Jr., the city comptroller, examined the weapons of 324 weapons chosen at random out of thousands in storage in the Manhattan property division. Ninety-four of them could not be immediately found in their assigned storage areas. 'It's a case of weapons gone AWOL,' Mr. Thompson said at a news conference."

In a further description of the firearms fiasco, *The New York Times* reported that, "after the initial search, it was determined that 70 of the 94 weapons had been returned to their owners or destroyed, Mr. Thompson said, while 24 'miraculously' turned up on shelves from where they had previously been missing after several attempts to find them."

"At no time were we given a satisfactory explanation about where the firearms had been, how they had been located or how they had been returned to the same spot that the auditors and the property clerk staff had checked on at earlier dates," Mr. Thompson said. "How can it take five attempts to find a 20-gauge shotgun at One Police Plaza?" he said."

According to the newspaper article, written by Christine Hauser, "the property clerk division, which has an office in each borough, catalogs and safeguards property taken into police custody, such as cash, narcotics and weapons. Firearms are turned in by owners whose licenses have expired, or are seized from criminals, or simply found and handed over."

"In a statement, Assistant Chief Michael E. Collins, a Police Department spokesman, said the division has more than two million pieces of inventory. In 2007 alone, police officials said, 13,000 firearms were collected. Mr. Thompson said the results of the audit, which started in June 2007 and looked at records from 1999 to 2007, raised greater concern over bureaucracy than safety. There was no evidence that weapons had been removed for personal use. Mr. Thompson also said that no particular incident or fear spurred the audit."

John P. Gerrish, a deputy chief of the Police Department, wrote in a statement with the audit that every firearm was accounted for in the audit, although "some required a prolonged effort to locate, given the fact that firearms may at times be removed from their original storage position for court appearances, destruction, etc."

"We're waiting for Bloomberg to send a team of undercover vigilante investigators down there to find out what's wrong," Gottlieb said. "Can one of his infamous lawsuits be far behind?"

Bloomberg dispatched non-police "investigators" to run stings on gun shops in several states more than two years ago, ostensibly to show how easy it is to illegally obtain guns in other states. He then sued gun dealers in five states. This rogue operation landed the mayor's office in hot water with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives for jeopardizing on-going legitimate investigations. Ultimately the U.S. Justice Department warned the mayor not to pull that stunt again.

"If Mayor Bloomberg wants to find mismanagement of a firearms inventory," Gottlieb stated, "he doesn't need to send goon squads to Georgia, the Carolinas, and Virginia or anywhere outside of his jurisdiction. All he really needs to do is visit the police property room in Manhattan and turn the lawyers loose."

"It's a pity that Bloomberg can't lose his arrogant attitude as easily as his cops can lose track of their gun inventory."



# CCRKBA SUPPORTS SENATE VERSION OF NEW CCW BILL

CCRKBA announced its support for S. 3207, the proposed Respecting States Rights and Concealed Carry Reciprocity Act introduced by Sen. David Vitter of Louisiana with Sens. Richard Burr of North Carolina, Jim DeMint of South Carolina, John Ensign of Nevada and Ted Stevens of Alaska as original cosponsors.

S.3207 was introduced on June 26, the same day as the U.S. Supreme Court handed down its historic gun rights decision in the District of Columbia v. Heller case.

"We are prepared to push this bill as hard as we can," commented John M. Snyder, CCRKBA Public Affairs Director, "Its language is identical to that of H.R. 5782, the proposed Secure Access to Firearms Enhancement (SAFE) Act introduced in the House of Representatives by Rep.

John Boozman, and reported in the May issue of *Point Blank*.

"This measure could lead to a nationwide recognition of the right to carry a concealed firearm."

Under the proposal, Americans with state-issued CCW permits could carry their guns as long as they comply with the laws of the state in which the firearms are carried. An individual who may carry concealed legally in his state of residence but whose state does not have a concealed carry permit provision, could carry elsewhere.

Sen. Vitter said S. 3207 "clarifies the rights of gun owners. On the scale of a national policy, all 50 states recognize out-of-state driver's licenses, and this bill would simply ensure that an individual possessing a legal permit to carry a concealed weapon from

his or her home state is afforded the same privilege in another state that already has concealed carry laws."

The bill would authorize individuals to cross state lines where allowable by law. Currently, according to Sen. Vitter's office, only Wisconsin, Illinois and the District of Columbia prohibit citizens from carrying concealed weapons. The bill would maintain existing safety standards and prohibit individuals from carrying concealed weapons if they already are expressly banned from doing so.

"This bill does not nationalize concealed weapons permits, nor does it mandate that permits be recognized in states that oppose them. It elevates concealed carry permits to the same status as driver's licenses, affording citizens a right they are already entitled to under United States law."

## CITIZEN ACTION PROJECT

Now that the United States Supreme Court has ruled definitively that the Second Amendment to the Constitution protects an individual right to keep and bear arms, we can expect that anti-gun politicians will continue their efforts to do whatever they can to circumscribe that right through legislative process.

Right to keep and bear arms enthusiasts need to seize the initiative and promote strong pro-gun legislation. There are a number of pro-gun rights legislative efforts that can be pursued at federal, state and municipal levels of government. One of the strongest proposals made so far is the legislation described in the article appearing just above this one.

This is the bill, S. 3207 in the U.S. Senate, and H.R. 5782 in the U.S. House of Representatives would put the issue of authorization for carrying concealed firearms by law-abiding American citizens right on the front burner of significant issues during this national election year. Voters soon will be casting ballots for President, Vice President, one-third of the U.S. Senate and all of the U.S. House of Representatives.

To ensure that the CCW issue receives significant attention during the remainder of the legislative year in this Second Session of the 110th Congress, readers of *Point Blank* could write, phone and email their U.S. Representative and both of their U.S. Senators and urge them to become cosponsors of this proposal.

When you write or telephone your federal legislators, always remember to be polite and cordial in the way you present your position. It's a good idea, too, to make your presentation brief, just so that the congressional offices know how you stand on this CCW issue and how important you think it is for the maintenance of both personal and social safety.

# JUSTICE SCALIA NAMED CCRKBA RIGHTS DEFENDER

CCRKBA has named U.S. Supreme Court Associate Justice Antonin Scalia its Gun Rights Defender of the Month for August.

Justice Scalia authored the majority opinion in the Supreme Court's 5-4 decision in the historic *District of Columbia v. Heller* case. In this case, the court ruled that the Second Amendment to the United States Constitution protects an individual right to keep and bear arms and not merely a collective right. It determined also that a District statute prohibiting a law-abiding citizen from keeping an operable handgun in the home was a violation of that constitutional right.

In nominating Justice Scalia as CCRKBA Gun Rights Defender of the Month, John M. Snyder, CCRKBA Director of Publications and Public Affairs, said that, "With this decision and opinion, Justice Scalia has rendered tremendous service to the Constitution, to the integrity of our American political system of individual rights, and to the tens of millions of law-abiding American citizens who actually practice the right to keep and bear arms. It's a blockbuster moment in American history. It demolishes the central and underling constitutional argument of the anti-gun movement and its adherents that American citizens as individuals do not enjoy a constitutional right to keep and bear arms. It also puts various jurisdictions on notice that, if they cross over the line in their efforts to regulate Americans' individual gun rights, they risk being knocked down by the Supreme Court of the United States.

"It may not yet be generally known but, between March 18, when the Supreme Court heard oral arguments in the *Heller* case, and June 26, when it rendered its decision, Justice Antonin Scalia worked most diligently with other Justices to develop the consensus which resulted in the majority decision in support of Justice Scalia's opinion. Justice Scalia is as deserving of this CCRKBA distinction as anyone could be. He truly is one of the greatest of great historic and contemporary Second Amendment heroes."

Justice Scalia, in a summary of his 66-page opinion, wrote in part that the Supreme Court held, "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that firearm for traditionally lawful purposes.

*"The prefatory clause comports with the Court's interpretation of the operative clause. The 'militia' comprised all males physically capable of acting in concert for the common defense. The Antifederalists feared that the Federal Government would disarm the people in order to disable this citizens' militia, enabling a politicized standing army or a select militia to rule. The response was to deny Congress power to abridge the ancient right of individuals to keep and bear arms, so that the ideal of a citizens' militia would be preserved."*

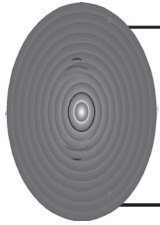
Antonin Scalia was born in Trenton, New Jersey on March 11, 1936. His mother, Kathy Panaro, was born in the United States. His father, S. Eugene, a professor of romance languages, was born in Sicily. When Scalia was five years old, the family moved to Queens in New York City, during which time his father worked at Brooklyn College in Flatbush, Brooklyn.

Scalia started his education at Public School 13 in Queens. A Roman Catholic, he attended Xavier High School in Manhattan. He graduated first in his class and summa cum laude with an A.B. from Georgetown University in 1957. He graduated magna cum laude from Harvard Law School in 1960.

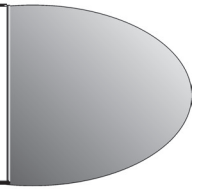
On September 10, 1960, Scalia married Maureen McCarthy. Together they have nine children: Ann Forest; Eugene, a labor attorney and former Solicitor of the Department of Labor; John Francis; Catherine Elisabeth; Mary Clare; Paul David, a priest in the Catholic Diocese of Arlington, Virginia; Matthew, a West Point graduate and U.S. Army Major; Christopher James, an English professor at the University of Virginia's College at Wise; and Margaret Jane, studying at the University of Virginia.

Scalia's legal career has included work at Jones, Day, Cockley and Reavis in Cleveland, Ohio, and professorships at the University of Virginia, University of Chicago Law School, Georgetown University Law Center and Stanford University. His public service career includes positions as General Counsel for the Office of Telecommunications Policy, Chairman of the Administrative Conference of the United States, and Assistant Attorney General for the Office of Legal Counsel.

President Ronald Reagan appointed Scalia to be a Judge of the United States Court of Appeals for the District of Columbia Circuit, and later nominated him to the United States Supreme Court. Scalia was confirmed by a 98-0 Senate vote in 1986.



# QUICK SHOTS



CCRKBA, using the gun rights Supreme Court decision against a federal enclave in District of Columbia v. Heller as the basis for its action, joined with the National Rifle Association in filing a civil rights lawsuit to confirm that the Second Amendment restricts state and local governments as well as the federal government from infringing on the right to keep and bear arms. CCRKBA and NRA filed the suit in federal court against the City of San Francisco and the San Francisco Public Housing Authority to invalidate the City's ordinance and lease provision that bans the possession of firearms in public housing. Before the Second Amendment can be used to challenge unconstitutional regulations and laws at the state or local level, it must be "incorporated" through the Fourteenth Amendment to apply to state and local governments.



In Louisiana, Gov. Bobby Jindal signed into law a bill sponsored by July's CCRKBA Gun Rights Defender of the Month that affords employees more freedom to take guns to work. With some exceptions, it recognizes an employee's right to keep a legally owned firearm locked in a car in a parking lot at the workplace. State Sen. Joe McPherson said the legislation backs employees who are fired for unwittingly carrying their firearm in their personal vehicle because they went hunting before or after work. The measure does not apply to places where state or federal law prohibits gun posses-

sion, or to cars owned or leased by the employer and driven by the employee. It also does not apply to cars on parking lots where access to the property is restricted by a fence, security station, signs or other means – if the employer provides an unrestricted parking area nearby or provides onsite facilities for the temporary storage of unloaded guns.



In Michigan, western Wayne County authorities said a gun-toting Commercial Bank customer foiled a bank robbery. Joseph Webster, 53, was arraigned on bank robbery, armed robbery and habitual offender charges. Police told local media that Webster pretended to have a bomb one day in June and demanded a teller give him money. A co-worker alerted Nabil Fawzi, who reportedly has a concealed carry permit, and he held Webster at gunpoint until police arrived.



In Florida, a new state law provides that employees can bring their legally-carried guns to work if they keep them locked in the car. Walt Disney World, however, a major Orlando tourist attraction, maintains it is exempt from the new law because it stores fireworks on site. It told its 62,000 employees to keep their firearms at home. One employee, Edwin Sotomayer, a security guard, decided to test the Disney policy

even though he could lose his job because the principle at stake means enough to him that he was willing to take the risk. When he went to work on the Fourth of July, Disney suspended him. Sotomayer said that while Disney is safe, Orlando is not, and he has the right to keep a gun in his car so he is protected during his 23-mile commute to and from the theme park. According to a local television station Internet opinion poll, 93 percent of the 8,156 respondents support Sotomayer and only seven percent support Disney.



The United Nations gun grabbers are still at it, promoting an international treaty on trade in small arms, including rifles, shotguns and handguns. They met again last month at UN Headquarters in New York City for several days in a gathering called a "Meeting of States." The United States abstained on a vote to reach agreement on an international treaty on the subject. Americans' Second Amendment rights are at stake in these meetings. The International Action Network on Small Arms (IANSA) is the guiding force behind the UN working group's Programme of Action on Illicit Small Arms Trade. IANSA wants to impose domestic gun control regulations on all nations, including our own USA, and include broad scale bans on private firearms ownership. So far, the United States, under the Administration of President George W. Bush, has been resisting successfully these attempts.

# 4

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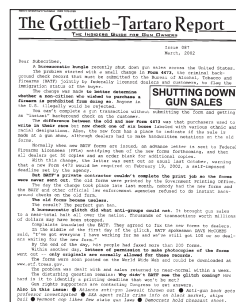
### The Journal of Firearms and Public Policy:

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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