POINT BLANK

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



November 2008

Volume XXXIII No. 11

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CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

(a non-profit corporation)

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CCRKBA Analysis:

FBI REPORT SHOWS CITIZENS NEED GUNS

"An FBI report indicating that justifiable homicides are at the highest level in more than 10 years shows that law-abiding American citizens need guns for self-defense," says John M. Snyder, CCRKBA Public Affairs Director.

The 254 killings by private individuals in 2007 found to be self-defense were the most since 1997. The 391 killings by police that were ruled justifiable were the most since 1997.

This rise in justifiable homicide reflects a renewed philosophy of self-reliance that was examined in the book *America Fights Back: Armed Self-Defense in a Violent Age*, co-authored by CCRKBA Chairman Alan M. Gottlieb.

Gottlieb and co-author Dave Workman, CCRKBA Communications Director, took a hard look at self-defense in the book.

"Interestingly," Gottlieb observed, "USA Today noted that Florida State criminologist Gary Kleck thinks that the FBI is underestimating the number of self-defense homicides, maybe by as much as two-thirds.

"American citizens have realized that they are on the front lines of the war on crime, and the police cannot be everywhere, all the time. Essentially, these citizens recognize that they are responsible for their own safety, and the safety of their families, and they will not surrender without a fight."

Gottlieb said that, "Our society is returning to its self-reliant roots. Armed citizens are the new 'first responders' and since the 9-11 attack and Hurricane Katrina's aftermath, Americans are facing the new reality that government cannot protect you, whether it be from natural disasters or neighborhood thugs."

Snyder noted that, "While the issue of gun control was a factor in the recent elections, the truth of the matter is that more Americans own guns, estimated at over 80 million individuals, than ever have voted for a presidential candidate in a national election. Gun ownership is part and parcel of the right to self-defense. Any attempt to mess with that aspect of American freedom is apt to generate massive cultural reaction to it."

The FBI indicates a homicide committed by a private citizen is justified when a person is slain during commission of a felony, such as a burglary or robbery. Police are justified, according to the FBI, when felons are killed while the officer is acting in the line of duty. Ordinarily, rulings on these deaths are made by the local police agencies involved in the incidents.

The December issue of Point Blank will have an in-depth analysis of the recent elections' results and their implications for gun owners. If you would to receive it sooner, please e-mail 2008Vote@ccrkba.org.

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CCRKBA PRAISES GUN SHOW STUDY

As the country prepares for a new presidential administration and the opening of a new Congress, one of the issues sure to play a prominent role in national discussion and debate is the matter of gun shows.

For years now, those in favor of tightening restrictions on firearms ownership and gun sales have supported increasing restrictions on sales of firearms and ammunition at gun shows, even to the point of eliminating them altogether. Their chief argument has been that increased restrictions will lead to decreased violent criminal acts with firearms.

CCRBKA and other pro-gun organizations, on the other hand, have pointed out that this is a bogus argument. Now we have confirming academic evidence that the position which CCRKBA has maintained is the correct one.

In fact, just last month, CCRKBA applauded the new joint University of Michigan and University of Maryland study which demonstrates that gun shows do not contribute to higher murder or suicide rates.

"We've known all along that gun shows are not the arms bazaars for criminals and lunatics that antigunners have claimed," said Joe Waldron, CCRKBA Legislative Director. "This important research has now confirmed that such gatherings are not connected to homicide or suicide rates. The study reinforces earlier research done for the U.S. Department of Justice that found less than one percent of armed felons get their guns from gun shows.

"Gun control lobbyists already are claiming the report is flawed. What else could they say about research that demolishes one of their most hysteria-driven platforms? The tide is turning on the gun rights issue, because research trumps rhetoric every time."

The study, released early last month by the Gerald R. Ford School of Public Policy at the University of Michigan, compared data from Texas and California, two markedly different states. Researchers gathered crime and suicide data from the periods surrounding more than 3,400 gun shows to determine that restrictive regulations had no impact on murder or suicide rates in the month following those gun shows.

"This research punches a gaping hole in the argument by gun control fanatics that a mythical 'gun show loophole' contributes to crime and suicide," Waldron stated. "Thanks to this study, the anti-gun rights lobby loses another cornerstone of its agenda.

"As our friends at the Michigan Gun Owners have noted, we wonder why it took someone this long to conduct such a study. Our hats are off to Professor Brian Jacob of the University of Michigan along with Randi Hjalmarsson and Mark Duggan of the University of Maryland. Theirs is a significant accomplishment."

Professor Jacob, who heads up the Center for Local, State and Urban Policy at the Gerald F. Ford School of Public Policy, noted, "to the extent that 33 regulations such as those in place in California reduce any deleterious effects of gun shows, one might expect to find a larger effect in a relatively unregulated state such as Texas. Our results, however, provide no evidence to suggest that gun shows lead to a substantial increase in the

number of homicides or suicides in either California or Texas."

An article by Doug Guthrie in The Detroit News pointed out that like Michigan, California requires background checks for all gun buyers and a multiday waiting period to obtain the firearm. The wait in Michigan is three days and 10 days in California. Texas does not have similar regulations.



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

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CCRKBA HAILS OPINION ON PROPOSED GUN BAN

CCRKBA has hailed an opinion issued by Washington State Attorney General Rob McKenna stating that cities cannot enact local laws to prohibit the possession of firearms on city property or in city-owned facilities. CCRKBA maintains that this effectively nixes a plan by Seattle Mayor Greg Nickels to do just that by executive fiat.

McKenna's opinion was written in response to an inquiry from several Washington State lawmakers.

Deputy Solicitor General William B. Collins signed the written opinion.

CCRKBA Chairman Alan M. Gottlieb said that the opinion "confirms what we said in June regarding the mayor's proposal."

"We advised the mayor in a letter that his proposed 'executive order'

would run afoul of the law, and that nances." we would take legal action," Gottlieb recalled. "Thanks to the attorney general's opinion, that no longer appears necessary."

CCRKBA Legislative Affairs Director Joe Waldron added that, "the opinion stands not only as an explanation about why Mayor Nickels' opinion was legally unsound, but it also demonstrates why Washington State's preemption statute is a monument to legislative wisdom. Washington State's law has been duplicated by more than two dozen state legislatures that saw the sensibility of statewide uniformity in the regulation of firearms, so that cities and counties could not create a confusing and even contradictory legal patchwork of local gun ordi-

Gottlieb noted that, "we have a law and it works. It recognizes the right of individual citizens to keep and bear arms as affirmed in both the state and federal constitutions.

"Mayor Nickels was wrong to think he could usurp legislative authority through executive edict," Gottlieb continued. We expect state lawmakers to zealously protect their authority if Nickels comes lobbying in Olympia, the Washington State Capital, in January."

According to a report in the Seattle Times, McKenna's opinion "is nonbinding, so the city can proceed with the gun prohibition on public property. But historically, such opinions have been given great weight in court, according to the Attorney

CITIZEN ACTION PROJECT

As the holiday season approaches, let us keep in mind that Congress may reconvene post election and our right to keep and bear arms may still be affected by the congressional legislative process. One way to deal with this possibility and at the same time, promote our gun rights, is to give people a membership in CCRKBA.

2009 will be a hard year for gun rights, and we all need to work together to combat the gun grabbers. Whatever you can do to increase and strengthen CCRKBA membership can help CCRKBA battle the gun haters in Congress and elsewhere.

Members of CCRKBA receive a copy of Point Blank each month, keeping readers informed about changes in the law affecting your gun rights, as well as what CCRKBA Members can do to be a part of the process.

CCRKBA Members also receive a membership card, Action Alerts which keep members up to date about urgent action you can take to preserve your firearm rights, assistance in stopping any local attempts to curtail your right to own and use firearms, periodic membership surveys and polls that aid CCRKBA in determining policy, and access to CCRKBA's Speakers Bureau composed of outstanding Americans who are experts on gun rights as well as pro-gun books and bumper stickers, films, buttons, hats and other items.

Write for as many CCRKBA membership application forms as you can use to CCRKBA, 12500 N.E. 10th Place, Bellevue WA 98005, phone (425) 454-4911, fax (425) 451-3959, or check out the CCRKBA. website at www.CCRKBA.org

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ELECTIONS DOMIN

The sunshine in Phoenix, AZ for this year's Gun Rights Policy Conference had one very dark cloud: The potential for a Barack Obama presidency.

CCRKBA Chairman Alan Gottlieb noted that Obama has "consistently voted against our gun rights," and that those rights are "one election away from extinction."

The conference featured an appearance by *Heller* case attorney Alan Gura of Virginia, and a roster of gun rights leaders from virtually all the major groups. CCRKBA annually cosponsors the event with the Second Amendment Foundation.

CCRKBA Legislative Affairs Director Joe Waldron observed, "There are a lot of Democrats out there who claim to be pro-gun who are not... When push comes to shove, party ideology trumps your civil rights."

Patrick Walker with the National Muzzle Loading Rifle Association said proposed restrictions on the use of lead projectiles could dramatically alter black powder shooting.

NRA's Charles Cunningham, director of federal affairs, discussed efforts to "improve" the National Instant Check System and reform the Bureau of Alcohol, Tobacco, Firearms and Explosives, and a court challenge to bans on gun ownership in public housing.

Landis Aden, president of the Arizona State Rifle Association, discussed open and concealed carry, emphasizing a continued problem over carrying sidearms in restaurants.

Scott Bach, president of the Association of New Jersey Rifle & Pistol Clubs said "complacency is the enemy."

Ken Hanson, legislative director of the Buckeye Firearms Association in Ohio, reported the Ohio Supreme Court ruling that knocked down local ordinances prohibiting concealed handguns in certain places.

In California, there have been some

recent wins, said attorney Chuck Michel. The victory over San Francisco's handgun ban was a good step, and now CCRKBA has joined a lawsuit against a gun ban in the city's public housing units.

Richard Pearson, executive director of the Illinois State Rifle Association, announced a campaign for concealed carry in the state. He made it clear that "Senator Obama is not your friend."

Massachusetts gun activists face an uphill battle, added Jim Wallace, executive director of the Gun Owners Action League. Over the past decade, the number of licensed gun owners has dwindled from 1.5 million to about 225,000.

Author Howard Nemerov said countries with the highest percentage of firearms ownership have the greatest freedom and lowest crime and homicide rates, while in nations where gun control is strongest, crime rates are far higher.

Second Amendment scholar David Kopel predicted that if Obama were elected, he would try to restrict public firearms ownership without having to pass any legislation, perhaps via a United Nations treaty.

Tony Bernardo, executive director of the Canadian Institute for Legislative Action, said there are still millions of guns and gun owners in Canada, and that the new conservative government would likely remove registration requirements.

Attorney Mark Barnes of Washington, DC amplified the notion that the UN is out to take guns away from Americans. He added that "our international adversaries...are the biggest cheerleading squad for Barack Obama there is."

Arizona State Senate President Timothy S. Bee recalled his sponsorship of Arizona's so-called "Castle Doctrine" legislation.

"No one should have to fear prosecution for the simple act of defend-

ing one's home and family," he stated.

Next, Gura called the Heller ruling a "fantastic victory for Second Amendment rights" and he thanked co-counsel Bob Levy and Clark Neely. He also said "our army of Davids" whom he identified as David Young, David Kopel and David Hardy, all played significant roles, as did attorney Joe Olson and historian Clayton Cramer.

Sandra Froman, with the national steering committee of Sportsmen for McCain, said "Barack Obama's choice of a partner proves where his heart is. Joe Biden has one of the most consistently anti-gun records in Congress."

Prof. John Lott, author of *More Guns, Less Crime, Straight Shooting* and *The Bias Against Guns,* detailed the importance of seeking out data on firearms in order to influence both scholarly and public opinion

On another panel, Virgil McVicker, president of the Madison Society Foundation, noted that his group was founded to litigate cases on behalf of citizens charged with firearms law violations. Attorney Donald Kilmer is litigating the famous Nordyke case against gun show bans on public property.

"In order for (the court) to find in our favor," he said, "they're going to have to find that the Second Amendment applies to laws that are enacted by the State of California and the County of Alameda."

Concealed carry on campus is the new gun rights battleground, said a panel from Students for Concealed Carry on Campus including Michael Guzman, Katie Kazprzak and Michael Fancher.

Guzman, president of SCCC's Texas State University chapter, said SCCC has grown to more than 300 chapters nationwide, with student

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members at some 500 universities and colleges.

Next, *Gun Week* Executive Editor Joe Tartaro said gun control groups have enlisted the help of churches in an effort called "God, Not Guns." This coalition is supported by the Brady Campaign.

Author John Longnecker said threats to America are already here, and he listed "homegrown activists"

as part of that threat.

Dr. Tim Wheeler, president of Doctors for Responsible Gun Ownership, said the public health assault that began against gun ownership in the late 1980s and early 1990s is waning, but he warned that there will be attempts to revive the ban on semiautomatics.

CCRKBA Communications Director Dave Workman, co-author of *America Fights Back: Armed Self-Defense in a Violent Age*, with Gottlieb, recalled how the book had "hit a raw nerve with people."

"I think the reason...is that Americans are tired of having to tuck tail and run," he observed.

Former Arizona Attorney General Bob Corbin discussed the history of self-defense in his state. For a while, he recalled, the burden of proof in a self-defense shooting was on the victim who defended himself or herself.

Author David Young (*The Founders' View of the Right to Bear Arms*) explained the roots of the Second Amendment. The text comes from various state constitutional provisions.

The ATF came in for heavy criticism from attorney David Hardy. He said the ATF had, for years, enforced forfeiture laws when making arrests.

Jeff Knox with the Firearms Coalition called the ATF a "rogue agency... because any agency that is enforcing bad law is going to be a bad agency, it's as simple as that."

Tim Graham with the Media Research Center, recalled his group's study about media anti-gun bias. Of 653 gun-related stories, they found 357 tilted against gun rights, 260 were neutral and only 36 had a favorable slant toward the Second Amendment.

Tom Gresham, host of *Gun Talk* every Sunday, said reporters are always looking for stories, and gun rights activists can develop relationships with these journalists so that when gun stories do come up, the activist becomes a reliable source. Gresham was recognized as the "Gun Rights Defender of the Year."

Kirby Wilbur, a talk host on Seattle's KVI, said reporters are ignorant about firearms. He concurred that local gun activists should make themselves available to reporters, and offer to help on stories. He suggested inviting reporters to a gun show, and bringing their attention to favorable stories about gun use, such as a woman defending herself and children.

Malia Zimmerman, editor of *The Hawaii Reporter*, said gun rights activists can contact reporters, and point out biases. When a story comes up, they can ask for a counter-point. She also recommended testifying before the Legislature.

Workman also discussed the threat to hunting on public land. A dilemma facing hunters is the conflict with hikers, he said. A growing number of non-firearms recreationists "just don't quite get it (about) those of us who understand the value of having a firearm."

Don Turner, project manager for the Clark County, NV Shooting Park, said shooting areas are vanishing.

"The ability to shoot unregulated on private land is disappearing," he said.

A key to securing land for gun ranges is to go through Congress. Find a site, contact a member of Congress and push toward setting aside land for shooting.

Dennis Fusaro, representing the Virginia Citizens Defense League, discussed his group's long-running effort to secure concealed carry rights inside national parks. Recalling that some people have been murdered in national parks, he said "having a firearm can save a life."

Guy Smith, author of a 100-page book called *Gun Facts*, suggested that "Three Cs" prioritize potential stories: Conflict, Controversy and Compassion, in that order.

Nikki Stallard, a member of the Pink Pistols, said gay gun activists can sell the pro-gun message by noting that gays have genuine needs for self-defense. Acknowledging that the gay community is traditionally anti-gun, Stallard said that this hatred of guns is "emotionally based."

The final panel of the conference had the most potential for fireworks, a discussion about the pros and cons of open carry versus concealed carry.

Scott Hattrup, board member of the National Association of Arms Shows, observed, "Open carry, in my view, is primarily a political statement. Even in western states where it's still a common occurrence, open carry is primarily a political statement."

Concealed carry, he continued, offers the advantage of surprise.

CCRKBA's Waldron noted that just because open carry might be legal, it may not always be prudent.

"There's a difference between can and should," he cautioned. "Just because you can do something just because it's legal doesn't mean you should...From a philosophical perspective I believe in open carry, I believe it should be legal, I believe it should be normal, in every state in the country."

The 2009 Gun Rights Policy Conference will be held in St. Louis, Mo.

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SCOTT BACH THE CCRKBA GUN DEFENDER

In nominating Scott L. Bach, an attorney from New Jersey, as CCRKBA Gun Rights Defender of the Month for November, John M. Snyder, CCRKBA Public Affairs Director, said that, "at this time, when there is so much controversy over our gun rights at the state level, we are fortunate to have such articulate spokesmen defending our rights as Scott Bach has proved himself to be. He is most deserving of this Award, as he has been most consistent and forthright in defending the individual Second Amendment civil right to keep and bear arms."

Scott spoke at the recent national Gun Rights Policy Conference held in Phoenix, Arizona, co-sponsored by CCRKBA and the Second Amendment Foundation. He was a featured speaker on a panel which reviewed legislative affairs in a number of states.

Scott is President of the Association of New Jersey Rifle & Pistol Clubs. He also is a member of the Board of Directors of the National Rifle Association.

Scott indicates he is a member of the law enforcement community and that he is licensed to practice in four states.

Previously, his professional experience has included internships in the United States Congress, the office of the U.S. Attorney, and the U.S. Court of Appeals.

Scott has written extensively on gun rights in both New Jersey and in the country as a whole.

Just a few months ago, he wrote an incisive analysis on what he termed firearms rationing, reasoning that statutes which mandate such buying and selling actually facilitate

victimization of the innocent.

He noted that a court in New Jersey recently had stated that, "There is no rational relationship between restricting the number of guns that a licensed gun dealer and a licensed gun owner can transact per month and the frequency of illegal gun possession and crime."

Bach wrote that, "in so holding, the court voided a local ordinance that rationed firearms specifically to lawabiding citizens pre-certified by the State as having no criminal or mental health record after passing a 13-point background investigation.

"Trying to reduce gun crime by rationing firearms to law-abiding citizens is a little like trying to reduce stabbings by rationing steak knives to restaurant goers, which is why the Court found the ordinance to be irrational. The criminal misuse of any lawful product is not a function of the number of units sold to honest citizens; it's a function of how effectively society deals with those who misuse them."

In his article, Scott targeted directly the gun grabbers in New Jersey who apparently refused to accept the rational basis for the Court's ruling in the case Scott cited in the article.

"Despite judicial recognition of the fallacy of gun rationing," wrote Scott, "gun ban extremist group CeaseFire NJ, embarrassed by its loss at the local level, is now pushing for passage of statewide gun rationing, misleadingly citing statistics to buoy their latest whopper – that handguns bought by law-abiding citizens from New Jersey licensed dealers are significantly involved in crime and illegal trafficking. Obtaining a permit to purchase a handgun in New Jersey

is a lengthy, intrusive, expensive and complicated process. The absurd notion that criminals voluntarily subject themselves to police fingerprinting, invasive background checks, licensing fees, and months of delays, only to then turn around and illegally sell the guns registered to them on the street, strains reason and credibility.

"Yet that's precisely the fairy tale that CeaseFire and its gun grabbing director Bryan Miller are peddling to the legislature, deceptively citing BATFE gun tracing statistics to 'prove' that large quantities of legally purchased guns are used in crime. What they conveniently forget to mention is that a large percentage of the traced guns have nothing whatsoever to do with criminal activity, but they are given the label 'crime gun' nevertheless, because of a BATFE database requirement that all traced firearms must first be given a descriptive code before they can be entered into the system, and the available codes happen to carry the designation 'crime' in their name, regardless of whether the traced firearms were actually involved in crime."

In a devastating statement, Scott wrote that, "the so-called 'crime guns' misleadingly cited by Cease-Fire include firearms recovered after house fires, floods and other natural disasters, firearms recovered from gun buy-back programs, firearms surrendered by the spouses of deceased firearms owners, firearms identified during routine inspections of licensed dealer books and records, firearms seized by court order, and lost or stolen firearms that are later recovered, all of which have to be booked as 'crime guns' before they can be traced."

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In Washington State, the number of pistol licenses issued to residents shot up 44 percent between 2003 and 2007, according to statistics from the state's Department of Licensing, with the Evergreen State now boasting more than 258,000 citizens who can carry concealed, reports CCRKBA's Dave Workman.



In Dothan, Alabama, a pizza delivery man beat back a robber with the use of gunfire early last month. The delivery man, Victor Greenwood, 32, said although the incident left him traumatized, he managed to escape with only minor injuries. He said he suffered a cut on his shoulder and was left a little sore. Moments after the assault, he dropped the pizza and hot wings he was carrying, and opened fire with his handgun. "As soon as I got back down the stairs, one of them hit me in the head with a brick," Greenwood said. "A few seconds later, he was charging me. I dropped the food and grabbed my pistol." Dothan police Captain Larry Draughon said Khiry Terrel Beachum, 18, suffered a gunshot wound to the leg during the robbery, and was caught shortly afterward by police. Police were still looking for Michael Pope, who they say ran after gunfire erupted. Police said Beachum was treated and released from Southeast Alabama Medical Center for an injury to his lower right leg. Both men were charged with first degree robbery. Greenwood said he's worked for Hungry Howe's Pizza for five years and had never been robbed before the incident. But he said the two men did not get a chance to steal

anything. "It was either me or him," Greenwood said. "If they'd got me on the ground, it would have been over. I just felt like my life was in danger because I knew there were two of them and they had bricks."



In New Jersey, a State Appellate Court panel affirmed a lower court ruling that tossed out a Jersey City ordinance preventing Frank Caso of Caso's Gun-A-Rama store from selling each customer more than one handgun a month.



The Second Amendment Foundation (SAF), a sister organization of CCRKBA, has reached an agreement with the City of New Orleans in a 2005 federal lawsuit that stopped the city from seizing firearms in the wake of Hurricane Katrina. The landmark lawsuit, a joint effort by SAF and NRA, was filed in 2005 after the police and National Guardsmen began confiscating firearms without warrant or probable cause from citizens who were not suspected of committing any crimes. Under terms of the settlement, pending a judge's signature, the city must try to return all firearms that were seized. Gun owners will be notified by mail within 30 days of the court's approval that they can retrieve their guns. CCRKBA Chairman Alan M. Gottlieb, also Founder of SAF, said that, "While we are delighted that this case is now settled, it should never have been necessary. When a disaster strikes, no government entity or official should arbitrarily decide that citizens must be disarmed and left defenseless, and that is what happened in New Orleans. These gun seizures were conducted without legal authority, under color of law and often at gunpoint, and that must never be allowed to happen again anywhere on American soil."



In Orange County, California, the Sheriff's Department has begun the process of revoking hundreds of concealed weapons permits across the county, according to reports. Department officials confirmed that 146 letters have been sent out advising current license holders that their permits to carry firearms in public, CCWs, are being revoked. Currently, there are 1,024 permit holders in the county. A form letter sent out last month states that, "The Department has determined that your identified risk does not meet the good cause threshold as required under the new CCW policy based upon the information you provided. As a result of this determination, the Department's present intention is to revoke your CCW license." The letter, signed by Captain Dave Nighswonger, advises current CCW holders that if they feel additional information should be considered they have about a month to provide additional good cause information for the department to consider before the revocation becomes final. Objecting to the new policy, Greg Block, a firearms instructor and activist, said that, "if you are not a convicted felon, you should be able to get a CCW in California."

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 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 GOT-TLIEB-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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The Gottlieb-Tart	aro Report
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