

POINT BLANK

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



**August
2012**
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**CITIZENS
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FOR THE RIGHT
TO KEEP AND
BEAR ARMS**

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FAST & FURIOUS REPORT POINTS TO BATFE

A 211-page joint congressional staff report on Operation Fast and Furious names key officials at the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF) and blames them for the way the gun trafficking investigation was launched, managed and ultimately derailed.

The report, which is the first of three dealing with the Fast and Furious scandal, was prepared for Congressman Darrell Issa, chairman of the House Committee on Oversight and Government Reform, and Senator Charles Grassley, ranking Republican on the Senate Judiciary Committee. Grassley. Issa's committee has Fast and Furious months and Grassley Capitol Hill to launch failed operation.

Point Blank the thick report. officials who were and allowed it to go

In an exclusive Citizens Committee Keep and Bear Arms Director, Dave Workman, Sen. Grassley told *Point Blank* that "Right now, the ATF has major problems."

But he noted that the BATF is not unique. Other federal agencies have had problems over the years, he indicated, and typically nothing changes unless sometimes drastic measures are taken to get everyone's attention.

"If heads don't roll," he observed, "there is no change in behavior."

Grassley acknowledged that it will be up to Senate Judiciary Chairman Patrick Leahy whether any action is taken by that committee. He has essentially been probing Fast and Furious on his own, with some support from a few of his colleagues, on the Senate side.

But Grassley, an Iowa Republican known for his non-partisan oversight investigations, predicted that those responsible for Fast and Furious will not be able to hide.

"You hold them accountable and that brings about change," he said.

The staff report also notes that Arizona gun dealers became "unwitting partners" in the gun walking scheme. Early in the Obama administration, it was those gun dealers who fell under criticism from anti-gunners for

been investigating for more than 18 was the first man on inquiries about the

obtained a copy of It identifies BATF aware of the operation forward.

interview, by for the Right to Communications



(Continued on pages 4-5)

ON-LINE AMMO BAN INTRODUCED IN HOUSE & SENATE

On the same day that Aurora, CO murder suspect James Egan Holmes was charged with 24 counts of murder and 116 charges of attempted murder, anti-gun Sen. Frank Lautenberg (D-NJ) and Rep. Carolyn McCarthy (D-NY) introduced a bill to restrict on-line ammunition sales.

Holmes allegedly purchased more than 6,000 rounds of ammunition on-line in the months prior to a shooting. A dozen people were killed and more than 50 were wounded or injured in the attack.

Lautenberg and McCarthy are calling their legislation the Stop Online Ammunition Sales Act. The two Democrats described their legislation as a "common sense" measure. It is another collaboration between

the two anti-gunners, who also are sponsoring legislation to ban large-capacity magazines and make background checks tougher.

"If someone wants to purchase deadly ammunition, they should have to come face-to-face with the seller," Lautenberg asserted in a statement quoted by NJToday. "It's one thing to buy a pair of shoes online, but it should take more than a click of the mouse to amass thousands of rounds of ammunition."

McCarthy added, "The Stop On-line Ammunition Sales Act pulls ammunition sales out of the shadows and into the light, where criminals can't hide and responsible dealers can act as a line of defense against the planning and stockpiling of a

potential mass killer."

However, gun rights activists were not quickly jumping on board after reading what the bill contains.

The Lautenberg-McCarthy measure would require that only licensed dealers could sell ammunition, and purchasers must show photo identification at the time of sale. Dealers would be required to maintain records of their ammunition sales, and they would have to report all purchases of more than 1,000 rounds to the same individual within five consecutive business days.

CITIZEN ACTION PROJECT

There are less than 90 days remaining before the 2012 general election. A small handful of states still have state Congressional and legislative primary elections in August and September. For those who still have primary elections on the calendar, be sure to participate in the process. Keep in mind that most gun control laws are state or local, not federal. It is state legislators who decide the day-in and day-out rules that regulate possession and use of firearms. Concealed carry laws, hunting regulations, use of lethal force laws -- all of these are state issues, not federal.

Eleven states have gubernatorial elections. It's the Governor who signs or vetoes gun bills, good or bad. And several states will have state supreme court candidates on the ballot. The supreme court, at the state or federal level, is the final arbiter of the Constitutionality of any gun law.

If it hasn't already started, your mailbox will soon be flooded with election campaign materials from the Presidential race down to local races. Pay attention to the mailings you get, as well as the voters guides that are published in many states and counties. If a candidate hasn't been endorsed by one of the major gun organizations, look at their endorsements. Their friends and supporters give you an idea of where they're coming from. And where they're likely to go.

The old saying goes, "money is the mother's milk of politics." To be sure, campaigns need money to run. But all campaigns rely on volunteers to do the tasks that appear menial, but are important to ultimate victory or loss for a candidate. Envelope stuffing, telephone banking, door belling (walking neighborhoods)... all of these help to persuade voters that this candidate or that is the one to vote for. **VOLUNTEER!**



POINT BLANK

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

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PRO-2A MEASURE GETS MORE SUPPORT

With negotiations just concluded on the proposed Arms Trade Treaty, the Citizens' Committee for the Right to Keep and Bear Arms reminds its members and supporters that the treaty has not gone away. While there was no final text agreed upon at the four-week long meeting, the Treaty will be presented in October 2012 to the General Assembly.

Recently, 26 more members of the U.S. House of Representatives signed on as co-sponsors of H.R. 3594, the Second Amendment Protection Act, sponsored by Illinois Republican Rep. Joe Walsh. This measure was written with the assistance of CCRKBA staff.

CCRKBA chairman Alan Gottlieb was pleased with the news.

"Fortunately, Congressman Walsh had the foresight to understand this," Gottlieb said, "so he introduced this legislation to protect Second Amendment sovereignty. We want the United Nations gun grabbers, and the Obama administration to understand that they are treading in perilous waters if they adopt a treaty that even remotely threatens the firearms freedoms of our citizens."

Gottlieb added, "We didn't have consensus on this treaty," Gottlieb stated. "And our constitutional rights far outweigh the desires of the European Union and other anti-rights

entities. We want to see action on the Second Amendment Protection Act, and with 26 new co-sponsors, we are one step closer to achieving that goal."

A companion bill, S.2205, dubbed the Second Amendment Sovereignty Act, sponsored by Kansas Senator Jerry Moran, has also added co-sponsors in recent weeks; that bill now has 21 cosponsors.

Both bills have been referred to their respective legislative body's Foreign Relations committees for further consideration, and CCRKBA asks you call your Senators and Congressmen and demand action be taken on both bills.

IL GOV QUINN GRANDSTANDING WITH PLAN TO BAN SEMI AUTOS

Illinois Gov. Pat Quinn's plan to ban so-called "assault weapons" "is a grandstand play that ultimately punishes law-abiding Illinois gun owners for a crime that no gun law could prevent," the Citizens Committee for the Right to Keep and Bear Arms said.

"Pat Quinn wants to take away the freedom of Illinois citizens because some psycho misused a gun in Colorado," said CCRKBA Chairman Alan Gottlieb. "Based on what we now know, that suspect could just as easily have used his bombs, and Quinn knows it. He's just exploiting that case to please his anti-gun supporters with a gun control tactic that has already failed to keep guns out of the wrong hands."

Quinn is proposing the ban in an "amendatory veto message"

to a bill aimed at mail-order or on-line ammunition purchases by citizens with Firearm Owner Identification (FOID) cards. In his message, Gov. Quinn claims to be a "strong supporter of the Second Amendment." But he quickly adds, "Banning assault weapons and high-capacity ammunition magazines will make Illinois a safer place to live."

"Gun bans and restrictive gun laws don't work," Gottlieb stated, "and you can look at Chicago as proof. Homicides actually went up during the 25 years that handguns were prohibited in the Windy City, and they are continuing to stack up bodies under the city's current Draconian gun law, which still makes it nearly impossible for average law-abiding citizens to have

firearms in their homes.

"Citizens with FOID cards are the good guys," he stressed. "People who shoot up theaters, or leave dead people lying in the streets of Chicago, are the bad guys. It's time for Gov. Quinn to understand the difference. Law-abiding citizens who jump through the hoops to obtain an Illinois FOID card should be able to purchase and use modern sport-utility rifles.

"Shame on Gov. Quinn for his knee-jerk exploitation of a tragedy to push an anti-gun agenda," Gottlieb added. "Instead of cracking down on his most trusted Illinois citizens, the governor should direct his efforts at lowering the body count in Chicago, which has gotten further out of control since Rahm Emanuel took over as mayor."

BATFE TO BLAME FOR

(Continued from page 1)

allegedly selling guns that ended up in the hands of Mexican drug cartel gunmen.

“In the fall of 2009,” the report says, “the Phoenix Field Division opened an investigation into a suspected firearms straw purchasing ring. As part of the investigation, ATF relied heavily on support from cooperating Federal Firearms Licensees (“FFLs”). Sometimes, these gun dealers would inform ATF when suspected straw purchasers entered their stores to acquire weapons. On other occasions, ATF would alert the FFLs in advance that straw purchasers were heading to their stores and requested that the FFLs stock up on certain models of firearms.

“These FFLs became increasingly worried about selling firearms to obvious straw purchasers,” the report continues. “ATF Group Supervisor (David) Voth assuaged their fears by arranging meetings with the U.S. Attorney’s Office and promising them that ATF was closely monitoring and ultimately interdicting the purchased weapons. Since the FFLs depended on ATF’s regulatory arm for their livelihood, they agreed to make these sales.

“In reality,” the report says, “ATF agents in Phoenix had no intention of interdicting these firearms, even though Group VII agents often received contemporaneous, or even advance, notice of illegal firearms purchases. In some cases this was because ATF believed due to instruction from the U.S. Attorney’s Office that sufficient legal grounds didn’t exist. In other cases it was

because ATF refused to ‘compromise the bigger case’ by taking any steps that might allow the straw purchasers to become aware ATF was watching them—even if that meant the straw purchasers were allowed to transfer the guns to traffickers. Group VII abandoned the traditional law enforcement techniques of disruption and deterrence by failing to confront or question the vast majority of the straw purchasers in Fast and Furious, preferring instead to watch and wait.”

Sen. Grassley noted that these dealers sent e-mails to the BATF and Justice Department detailing their concerns about the gun sales.

The report identifies several BATF officials who were responsible for what became a debacle. Among them is William Hoover, former ATF deputy director, who retired this week according to independent sources. Hoover was the official who ordered an “exit strategy” for the operation when he realized it was getting out of hand, but according to the report, that strategy was never followed.

“In the spring of 2010,” the report says, “concern was mounting among ATF leadership in Washington about the large volume of weapons being sold under Fast and Furious. The case became so large that the ATF Deputy Director, William Hoover, requested an exit strategy for the case—something he had never done before. Despite Hoover’s request, the drafting of the exit strategy was delayed for more than a month.”

“Hoover,” according to the report, “was also instrumental in briefing Department of Justice personnel about the status of Fast and Furious, and had previously discussed gunwalking

concerns in another case with Bill Newell.”

William Newell was the special agent in charge at the BATF’s Phoenix field office during the Fast and Furious operation. He was also in charge during the earlier Operation Wide Receiver, another investigation that allowed guns to “walk.” The report notes that the US Attorney’s office in Phoenix “declined to prosecute one case because of the number of weapons ATF allowed to ‘walk’ during the investigation.”

According to the report Newell “had a history of using reckless gunwalking tactics during his investigations.”

“Bill Newell,” the report says, “was a major promoter of the strategy in Fast and Furious. Though he had been the Special Agent in Charge in Phoenix for several years, he somehow failed to understand the basic legal standards needed for interdicting firearms and questioning potential suspects. According to testimony of the other ATF agents, Bill Newell did not have significant experience as a case agent or working street operations. His inexperience at the field agent level may have been a contributing factor to his ignorance of legal thresholds. Instructing his agents to abide by incorrect standards was a costly mistake that prevented interrogation, disruption, and possible arrest of straw purchasers.”

When Newell appeared as a witness before Issa’s House Oversight Committee in July 2011, his testimony infuriated the California congressman, who

OR FAST & FURIOUS

called him a “paid non-answerer.”

Also taking heat are William McMahon, former deputy assistant director for western field operations, and Mark Chait, former assistant director for field operations. Chait was McMahon’s supervisor, and McMahon was Newell’s supervisor at BATF headquarters in Washington, DC. The report says Chait, “had several opportunities to put an end to the operation but failed to do so. He ultimately played a passive role during Fast and Furious, allowing those above him to make decisions and those below him to implement those decisions.”

McMahon, according to the report, “received a wealth of information about Fast and Furious, but did not view it as his role as supervisor to ask questions about events in the field. He has publicly admitted to having failed in his duty to read information presented to him about the case.”

Chait and Hoover also reportedly “had several opportunities to put an end to the operation but failed to do so.”

“Hoover knew that Newell had employed risky tactics in the past as SAC yet failed to monitor him closely,” the report asserts. “Either Hoover did not ask the right questions or simply turned a blind eye to the unavoidable reality that reckless gunwalking tactics were being used again in Fast and Furious.”

McMahon and Chait may retire soon from the agency, sources say.

The report is also criticized former acting ATF director Kenneth Melson, who was in charge during Fast and Furious. He was reassigned to a job in

the Justice Department. Melson “had a distinguished background, knew little of the operational details of Fast and Furious, and was committed to full cooperation with Congress.

According to the report, Melson “ultimately...still bears a significant measure of responsibility for failing to ensure that ATF headquarters personnel adequately supervised the Phoenix Field Division.”

The report offers heavy criticism of the U.S. Attorney’s Office in Phoenix. Former US Attorney Dennis Burke “frequently met with Bill Newell and received updates on the case.” Burke resigned suddenly in August of last year “as a result of the fallout from Operation Fast and Furious.”

His second-in-command, Assistant U.S. Attorney Emory Hurley, was allowed by ATF supervisors “to dictate when ATF agents were allowed to interdict weapons during the case.”

“Hurley delayed the indictments in Fast and Furious for months, frustrating ATF officials,” the report says.

Patrick Cunningham, former chief of the Phoenix criminal division, “invoked his Fifth Amendment right against self-incrimination to avoid answering any questions” after he was subpoenaed to testify before Issa’s Oversight Committee.

There are two other parts of the report still to come. It says it “presents an extensive, detailed narrative to aid in assessing the culpability of each of the aforementioned individuals. This narrative is based on transcribed interviews with 24 individuals, some covering multiple days; informal interviews with more than 50

individuals; and the review of more than 10,000 pages of documents, 6,989 of them produced by the Justice Department pursuant to subpoena.”

“It must be noted, however, that the Committees’ access to information has been incomplete,” the executive summary explains. “The Justice Department has withheld tens of thousands of pages of documents and denied access to numerous witnesses, including ATF Case Agent Hope MacAllister, ATF Co- Case Agent Tonya English, and AUSA Emory Hurley—the central individuals running the case. As of January 2012, the Justice Department had produced 80,000 pages to its Office of the

Inspector General (“OIG”), which also has virtually unfettered access to Department employees, and interviewed them on multiple occasions. In fact, of the small number of documents the Justice Department produced to the Committees, a substantial portion were heavily redacted, and many pages related to investigations other than Fast and Furious, including approximately 1,200 pages on other operations. Accordingly, the reasonable inferences drawn from the available evidence in this report could be viewed differently if critical information has been concealed in the documents and testimony withheld from Congress. Nevertheless, this report—the first in a series of three—presents the best information available as of now.”

The report notes that Attorney General Eric Holder was held in contempt of Congress for failing to provide thousands of pages of subpoenaed documents.

8 MILLION LICENSED TO CARRY; CCRKBA CALLS IT 'GOOD START'

At least eight million Americans are licensed to carry, according to a report issued recently by the Government Accountability Office (GAO), and while anti-gun Senator Dianne Feinstein (D-CA) tried to spin the report as a reason to oppose a national reciprocity bill, the Citizens Committee for the Right to Keep and Bear Arms calls the number "a good start."

Feinstein said the report is proof that national CCW reciprocity would endanger the lives of police and private citizens because of differences in state law and standards for issuing concealed carry permits and licenses.

The 90-page GAO document details differences in state requirements to obtain a concealed carry permit or, as they are called in some states, concealed pistol licenses.

"This kind of legislation is dangerous to law enforcement and harmful to the public," Feinstein asserted. "The expansion of these laws chips away at gun safety standards and undermines states' rights. I hope that this report will lead Congress to soundly reject this misguided legislation."

CCRKBA Chairman Alan Gottlieb dismissed the anti-gun senator's protestations as "much ado about nothing."

"Senator Feinstein's sudden concern about states' rights is a bit

hollow," he said, "considering that she was all for saddling the entire country with a national background check system, and she would like to resurrect the federal ban on so-called 'assault weapons' and make it permanent."

"Let's face it," he continued, "Senator Feinstein doesn't care about states' rights. She's only using that as a smoke screen to prevent law-abiding citizens from exercising their right to keep and bear arms across state lines."

Gottlieb told Point Blank that the California Democrat and other anti-gunners "refuse to acknowledge that the Second Amendment applies to all citizens everywhere."

"Apparently Senator Feinstein and other opponents of national concealed carry reciprocity legislation were asleep when the Supreme Court ruled in 2010 that the Second Amendment is incorporated to the states through the 14th Amendment. People do not leave their constitutional rights at the state border."

The GAO report noted in its summary that, "The number of states allowing concealed carry permits is increasing, and states broadly differ in eligibility requirements and the extent to which they have reciprocity agreements... As of March 2012, 39 states that issue permits and Vermont (permits not required) recognize concealed carry permits from other states. Of the 9 states that do not grant

reciprocity, 8 are may-issue states."

In a press release, Feinstein tried to bolster her opposition to the federal reciprocity measure by noting that the concept "is opposed by major national law enforcement organizations including the International Association of Chiefs of Police and the Major Cities Chiefs Association."

But Gottlieb countered that argument.

"Evidently," he observed, "Senator Feinstein believes that police officials should be the final arbiters about constitutionally-protected civil rights. She obviously forgets that this is still the United States, not a police state."

Feinstein would prefer a system where police chiefs and sheriffs would have the authority to arbitrarily deny someone a carry permit or license as they do in California, Gottlieb noted.

"She would have us all subject to rules and regulations that are so prohibitive that we would essentially all be just like Chicago," he said. "The last time we checked, Chicago was in the midst of a murder tsunami. It's nearly impossible for a law-abiding citizen to get a firearm just to defend himself or herself inside the home. There is no concealed carry anywhere in Illinois — nobody is supposed to be carrying a gun on the streets — and yet more than 270 people had been murdered in Chicago since January.

"That's the kind of United States Dianne Feinstein wants," Gottlieb said. "A country where people live in fear of criminals and cannot exercise a constitutional right without permission from the police."

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QUICK SHOTS

In another sign of the rapidly growing strength of the gun industry, Smith and Wesson, one of the nation's top firearms manufacturers, released strong fourth-quarter results.

According to *Forbes*, the company announced their earnings per share at 27 cents, beating estimates. In addition, the company reported a nearly 30% increase in sales compared to last year at this time, and that helped them increase their gross profits from sales by nearly six percent.



A major mall in Sin City could soon be selling firearms.

The Las Vegas Sun reported that local planning officials have approved a permit for the operation, which is set to go in at a high-end mall on the Strip known as the Shoppes at Palazzo, but that the proposed store, to be run by Beretta, has come under criticism from a couple of nearby hotels.

According to the *Sun*, however, a deal appears to be in the works which would prevent an indoor shooting range, which was part of the original proposal, from also being built as part of the store.



More people than ever in the state of Kansas are carrying concealed weapons, according to a recent report by the Associated Press.

The state attorney general released numbers showing more than 12,400 people filing applications for

state concealed carry licenses during the past fiscal year, which ended June 30. The Associated Press said that was a 24 percent increase over the previous year, and that bumped the overall number of people possessing state CWP's to more than 44,000.



New rules could be coming for concealed carry permit applicants in Wisconsin, whose numbers have been steady since the state's new laws allowing it were put into effect last year.

According to the Associated Press, the proposed regulations would require applicants be trained in deadly force and firearms and ammunition safety. To successfully apply for a permit, reports the AP, an applicant would have to provide signed proof the course met the state's new standards.

Public hearings were scheduled to discuss the proposed regulations, with implementation likely before the end of the year.



A new poll is questioning whether it was a good idea for local officials in one Michigan city to spend money on a gun buyback program.

The MILive.com poll showed that nearly 95 percent of the respondents indicated they felt that the gun buyback would not reduce violence in the city of Lansing, Michigan's capitol city.

MILive.com reported the city's mayor has spent \$25,000 to put the

plan into motion, established in response to a recent homicide which was Lansing's ninth this year.



The Bismarck Tribune reported a woman came to the Bismarck police department late July 16, and in her possession was a firearm that she told officers she had found in her teenage son's bedroom.

According to the Tribune, the teen claimed he and a friend were out for a walk when they spotted the weapon in an unlocked vehicle and they took it.

Officers told the newspaper the gun had not been reported missing and were seeking its owner. In addition, the newspaper reported the two teens were cited for the incident.



A Pennsylvania airport has had some recent trouble with wild turkeys interfering with arriving and departing aircraft, so they have come up with a good way to deal with it: a shotgun.

According to the *Johnstown Tribune-Democrat*, officials at the local airport there, named in honor of late congressman John Murtha, have decided to buy the firearm to use it on those turkeys and other stray animals that pose a danger to aircraft using the facility.

The newspaper reported the decision was made after the airport's maintenance manager reported problems with the birds and that after consultation with state officials, shooting them was suggested.



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This year we'll take a look at critical issues such as: city gun bans, "smart" guns, concealed carry, federal legislation, BATFE policies, gun show regulation, state and local activity. We'll preview the upcoming Presidential and Congressional races and analyze Right to Keep and Bear Arms court cases.

The full roster of GRPC 2012 speakers has not yet been set. Past speakers have included: Alan Gottlieb, Joseph Tartaro, Eugene Volokh, Wayne LaPierre, Michael Reagan, Larry Elder, Cong. Joe Walsh, John Lott, Sandy Froman, Massad Ayoob, Tom Gresham, Alan Gura, Bob Barr, G. Gordon Liddy, Larry Pratt and many others. Check our web sites - www.saf.org or www.ccrkba.org for updates.

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