



GOTTLIEB OPPOSES SENTENCING BILLS

In an open letter to Congress, Alan M. Gottlieb, CCRKBA Chairman, and spokesmen for other national pro-gun organizations wrote recently in opposition to legislative proposals which they indicated would "provide a severe mandatory sentence for persons who possess firearms without misusing them in any way."

In expressing their "strong opposition to S. 191 and to H. R. 424," Gottlieb and the others said the measures "would significantly undermine the Firearms Owners' Protection Act of 1986."

They wrote "it is our understanding that language similar to that from S. 191 may soon be proposed as an addition to the juvenile crime bill in the Senate, and that House mark-up for H. R. 424 may occur very soon."

They addressed their June 25 letter to Sens. Orrin Hatch of Utah, Chairman of the Senate Judiciary Committee and Patrick Leahy of Vermont, Ranking Minority Member of the Committee, and to Reps. Henry Hyde of Illinois, Chairman of the House Judiciary Committee, and John Conyers, Jr. of Michigan, Ranking Minority Member of the Committee.

Joining Gottlieb in signing the letter were Wayne La Pierre, Executive Vice President of the National Rifle Association of America, and Larry Pratt, Executive Director of Gun Owners of America, who represented their organizations, and Joseph P. Tartaro, President of the Second Amendment Foundation, and David B. Kopel, Research Director of the Independence Institute, who signed in their individual capacities.

Both H. R. 424, by Rep. Sue Myrick of North Carolina, which would provide for a 10 year sentence, and S. 191, by Sen. Jesse Helms of North Carolina, which would provide for a five year sentence, they wrote, "chill the exercise of Second Amendment rights, and strike at the very heart of the Firearms Owners' Protection Act (FOPA)."

"The Firearms Owners' Protection Act is the most important pro-Second Amendment reform legislation ever enacted by Congress. The Act corrected a wide variety of BATF practices, statutory ambiguities, and regulations which had chilled the exercise of the right to keep and bear arms. The objective of the legislation was to ensure that people who do not misuse guns are not subjected to abusive prosecutions and severe penalties.

"At the same time, FOPA redirected BATF away from innocent gun possession cases, and towards the actual misuse of firearms. Towards the latter end, FOPA provided a five year mandatory sentence extension for any criminal who 'uses or carries' a firearm 'during and in relation to any crime of violence or drug trafficking crime.'

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

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**CITIZENS
COMMITTEE
FOR THE RIGHT
TO KEEP AND
BEAR ARMS**

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CCRKBA ATTACKS YATES ANTI-FIREARMS MEASURES

CCRKBA blasted two anti-gun bills introduced by Rep. Sidney Yates of Illinois, the proposed Handgun Control Act of 1997, H.R. 1996, and the proposed Yates Firearm Registration and Crime Prevention Act of 1997, and H.R. 1998. Both were referred to the House Committee on the Judiciary.

"The introduction of H. R. 1996 is a blatant, obvious legislative attempt to 'dry up' the supply of handguns in the hands of American citizens," said John Michael Snyder, CCRKBA Public Affairs Director.

"In enacted," he continued, "its immediate effect would be to limit severely access to handguns for self-defense and other purposes by otherwise law-abiding citizens. Its ultimate effect would be to eliminate such access."

Snyder said this because H. R. 1996 would prohibit the importation, manufacture, sale, purchase, transfer, receipt or transportation of handguns in any manner affecting interstate or foreign commerce, except for or by members of the Armed Forces, law enforcement officials and, as authorized by the Secretary of the Treasury, licensed importers, manufacturers and dealers, and pistol clubs.

In a "findings and declarations" section of H. R. 1996, Congressman Yates states "that the estimated total number of handguns in private hands has reached 76 million" as one of several reasons for limiting and then practically eliminating private access to handguns.

In response to this, Snyder said "this 76 million figure shows just how much American citizens want handguns. To attempt to thwart, via federal legislation, the obvious will of tens of millions of Americans is to undermine the desires of us average citizens.

"Congressman Yates and others like him are political elitists, individuals who think they are better than other people, than other Americans. They think they should be dictating to us what's best for us. Well, that's not the traditional American way.

"Those of us who believe in the traditional American way continually must be on our guard against elitists such as Congressman Yates or they'll take away

all our rights. We must oppose them.

"CCRKBA Members and Supporters and others who believe in the individual right to keep and bear arms and in the American way ought to write in and oppose this legislation, H. R. 1996. You could write to Hon. Henry Hyde, M. C., Chairman, House Committee on the Judiciary, 2138 Rayburn House Office Building, Washington, D. C. 20515-6216."

H. R. 1996 would define a handgun as any weapon designed or redesigned, or made, or remade, and intended to be fired while held in one hand; having a barrel less than 10 inches in length; and designed or redesigned, or made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

The bill would define a pistol club as a club organized for target shooting with handguns or to use handguns for sporting or other recreational purposes and which maintains possession and control of the handguns used by its members, and has procedures for keeping such handguns in a secure place, under the control of the club's chief officer, at all times when they are not being used for target shooting, sporting, or other recreational purposes.

A conviction for a violation of a provision of the proposed measure could result in a fine or imprisonment for up to five years, or both.

Snyder also attacked Rep. Yates' introduction of H. R. 1998, the proposed "Yates Firearm Registration and Crime Prevention Act of 1997."

H.R. 1998 would make it unlawful for any person who owns a firearm in the United States on the effective date of the measure to fail within a year to register the firearm with the U. S. Treasury Department. A conviction for a violation of the provision could result in a fine or imprisonment for up to 10 years, or both.

H. R. 1998 also would provide that a year after its effective date, it shall be unlawful for a person to possess a firearm or ammunition in or affecting interstate commerce unless the Treasury Department has issued to the person a firearms permit which has not become invalid.

Included in the information required for the permit application would be

a photograph, fingerprints, date and place of birth, gender, height, weight, eye and hair color, present and previous residences, and notarized signature of the applicant.

Snyder said the two bills, H. R. 1996 and H. R. 1998, "taken together, present the specter of a real squeeze on lawful firearms ownership in the United States. We encourage CCRKBA Members and Supporters to call or write their Congressmen, or better yet, during this summer recess, visit them at their home offices and let them know what you, as law-



POINT BLANK

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

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STATE GUN RIGHTS BATTLE HAS NATIONAL CONSEQUENCES

A landmark battle over gun rights which will have an impact on gun owners throughout the United States is heating up in Washington State.

An initiative filed by a Handgun Control, Inc. affiliate will be on the November ballot for all voters in the State.

Titled "The Handgun Safety Act," Initiative 676 does much more than simply encourage firearms safety.

It is a smorgasbord of such restrictive measures that it would cause notorious anti-gun extremist Rep. Charles Schumer of New York to cringe with envy.

Just some of the hidden requirements in this initiative include:

- LICENSING and REGISTRATION of every handgun owner in the State.
- TRIGGER LOCKS to be sold with every gun in both dealer and private transactions.

- REPORTING and REGISTRATION of all private handgun sales.

- Creation of a "HANDGUN CZAR" within the Department of Licensing.

- CONFISCATION of all handguns possessed without a "handgun safety license."

- Enforcement of non-compliance with CRIMINAL CHARGES and JAIL TIME!

This initiative is being watched by gun control activists and political experts across the country. Politically, Washington State is considered a "bellwether" state. After all, Washington State was the first state in the country to pass a "Three Strikes and You're Out" sentencing initiative. This created waves across the country which led to 22 other states passing their own form of "Three Strikes" and about a dozen states passing "Truth in Sentencing" type proposals.

If this initiative passes in Washington State, get ready for an avalanche of anti-gun initiatives throughout the country.

Anti-gun groups from across the country are dropping money into this campaign.

State level anti-gun groups in other states of the United States also are watching.

They know that if the so-called "Handgun Safety Act," I-676, passes in Washington State, it has a good chance of passing in your state.

PLEASE SEE CITIZENS ACTION PROJECT ON page six.

Remember, if the anti-gunners win in Washington state, you can count on them being at your door step in the next few years.

SENTENCING BILLS REFUTED...

(Continued from page 1)

"This language is clear and unambiguous. The congressional intent was to punish the active employment of firearms in violent or drug trafficking crime. Unfortunately, the Department of Justice, in violation of the plain statutory language, began seeking the five year sentence extension in cases where a defendant only possessed a gun, and did not use or carry it.

"The DOJ's defiance of the plain statutory language resulted in cases in which defendants received a harsh five year sentence extension simply because they lived in a house with someone else who owned a gun - even when it was undisputed that the gun ownership had no relation to the drug crime (such as growing marijuana for personal consumption).

"In the 1995 decision *United States v. Bailey*, the United States Supreme Court put a stop to the defiance of plain statutory language. The Court held that when Congress said 'uses,' Congress meant 'uses.' Simply possessing something is not the same as using it...

"Unfortunately, the Department of

Justice has now begun pushing for 'Bailey fix' bills. In fact, the fixing was done by the Supreme Court, when it enforced the plain language of the statute and the intent of Congress.

"It is true that there are some situations in which a defendant who is not using or carrying a gun may possess it in a manner designed to facilitate a drug trafficking crime. For example, a defendant who sold drugs from his living room might keep a loaded handgun in the drawer of a table in the living room, with the intent to use the gun in case of a sales dispute. This situation is covered by the United States Sentencing Guidelines, which provide a two-point penalty enhancement for drug offenders who possess a gun...

"Requiring a mandatory five year (S. 191) or 10 year (H.R. 424) enhancement for simple possession of a firearm is contrary to the intent of (FOPA), which is to convince criminals not to carry guns...

"As written by Congress, (FOPA) gives a person selling drugs on the street a powerful incentive not to carry a gun. But S. 191 and H. R. 424 would remove that

incentive; if the man will be punished the same for leaving the gun at home as for carrying the gun on the street, he has no incentive to leave the gun at home...

"The federal prison system is currently far over 100 percent full. Incarceration is expensive, and the federal deficit and the federal tax burdens are already too high. Mandatory prison terms should be reserved for criminals who pose a danger of violence - as persons who use or carry firearms during drug trafficking crime certainly do. Mandatory firearms sentences should not be used for cases in which the defendant's crime had nothing to do with a firearm, and there was no risk that the defendant would use the firearm violently...

"We understand that the intent of the sponsors of S. 191 and H. R. 424 was not to chill the exercise of the right to arms, or to create unfair, wasteful mandatory sentences. We hope that this letter has explained why both bills would have such effects. We agree with the intent behind the bills, expressed in S. 191's caption, 'to throttle criminal use of firearms.' Federal mandatory sentences should continue to

CCRKBA LEADER SAYS SUPREME COURT AND HAILS THOMAS FOR SECOND AM

"The United States Supreme Court's landmark June 27 decision puncturing the Brady Law is a turning point in the struggle for personal protection and public safety," John Michael Snyder, CCRKBA Public Affairs Director, said last month in Washington, D. C.

Snyder also said "we welcome and hail the concurring majority opinion by Justice Clarence Thomas for its specific positive reference to the right to keep and bear arms in the Second Amendment to the Constitution of the United States."

Snyder, designated "a champion of the right to self-defense" by THE WASHINGTON TIMES, was named "dean" of gun lobbyists by both THE NEW YORK TIMES and THE WASHINGTON POST.

He noted "the Brady Bill and then the Brady Law for years has been the legislative flagship of the anti-gun movement in the United States. It's certainly a defeat for the anti-gun forces. After all, the highest court in the land has just hammered away at their primary legislative attack vehicle."

In a 5-4 decision the Court ruled that the Brady Law violated "the very principle of separate state sovereignty" by requiring state officials to conduct background checks of prospective handgun purchasers. The Court concluded this was a violation of the Tenth Amendment to the Constitution of the United States.

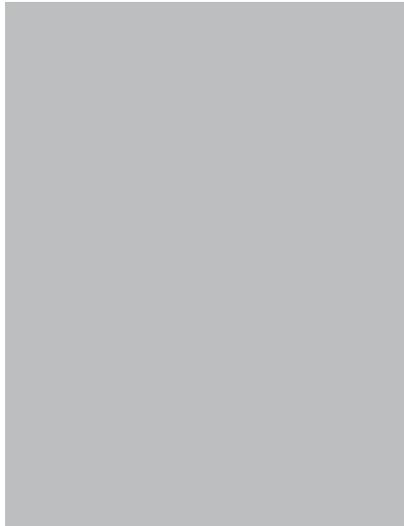
Under another provision of the Brady Law, inserted at the insistence of pro-gun forces when the law was enacted several years ago, there should be in place by November 30 next year a system for an instantaneous criminal records check of prospective handgun purchasers at the time and place of purchase. At that time, the handgun purchase waiting period sunsets.

The Supreme Court decision does not affect that provision.

In fact, said Senate Majority Leader Trent Lott of Mississippi, a CCRKBA Congressional Advisor, "the only viable approach to separate criminals from law-abiding gun owners is to expedite the national instant check system that is already required to be in place next year under the Brady Act." He accused the Justice Department of delaying imple-

mentation of the instant check system and said "this must change!"

So stunned were anti-gun forces that President Clinton, the most anti-gun President in the history of the United States, and the one who signed the Brady



Law, said he hoped that local police officials would conduct the background checks anyway.

Two anti-gun congressional legislators, Sen. Herbert Kohl of Wisconsin and Rep. Charles Schumer of New York, said they will introduce bills to require gun dealers to find some law enforcement agency to make background checks before a sale can be made.

Sen. Lott, however, and Rep. Bill McCollum of Florida, Chairman of the House Judiciary Subcommittee on Crime, a CCRKBA Gun Rights Defender of the Year Awardee, opposed that prospect. Congressman McCollum said it would be "pointless."

In the Supreme Court case, Printz, Sheriff/Coroner, Ravalli County, Montana, Petitioner v. United States, and Richard Mack, Petitioner, v. United States, combined, Justice Antonin Scalia wrote the majority opinion, and was joined by Chief Justice William H. Rehnquist and by Justices Sandra Day O'Connor, Anthony M. Kennedy and Clarence

Thomas. Justices O'Connor and Thomas each also wrote concurring opinions.

Justice John Paul Stevens wrote the dissenting opinion and was joined by Justices David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer. Justices Souter and Breyer each wrote concurring dissents, with Justice Stevens joining Justice Breyer.

In the case, Jay Printz and Richard Mack, the chief law enforcement officers for Ravalli County, Montana, and Graham County, Arizona, respectively (although Sheriff Mack subsequently lost a reelection bid), charged the Brady Act was unconstitutional in that it required them, local officials, to enforce a federal law, the Brady record checks.

In each case, the District Court held that the provision requiring the chief law enforcement officer to perform background checks was unconstitutional, but concluded that provision was severable from the remainder of the act, effectively leaving a voluntary background check system in place.

A divided panel of the Court of Appeals reversed, finding none of the Brady Act's interim provisions to be unconstitutional, and the Supreme Court agreed to hear the case.

In the Court's decision, Justice Scalia wrote "it is incontestable that the Constitution established a system of 'dual sovereignty.' Although the states surrendered many of their powers to the new federal government, they retained 'a residuary and inviolable sovereignty.' This is reflected throughout the Constitution's text...Residual state sovereignty was also implicit, of course, in the Constitution's conferral upon Congress of not all governmental powers, but only discrete, enumerated ones, Article I, # 8, which implication was rendered express by the Tenth Amendment's assertion that '(t)he powers not delegated to the United States by the Constitution, nor prohibited to it by the states, are reserved to the states respectively, or to the people.'"

Justice Scalia wrote further that the federal government, in defending the Brady Act's questionable provision, "puts forward a cluster of arguments that can be grouped under the heading: 'The

COURT BRADY RULING IS A TURNING POINT AMENDMENT CONCURRENT REFERENCE

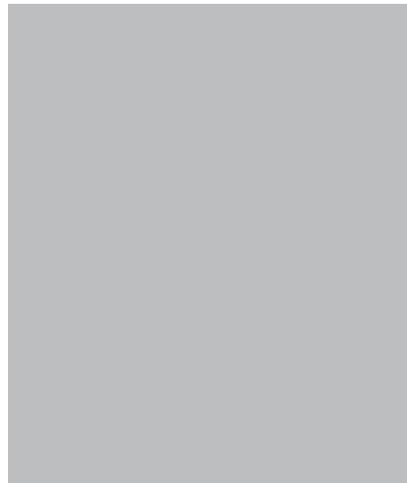
Brady Act serves very important purposes, is most efficiently administered by chief law enforcement officers during the interim period, and places a minimal and only temporary burden upon state officers.' There is considerable disagreement over the extent of the burden, but we need not pause over that detail. Assuming all the mentioned factors were true, they might be relevant if we were evaluating whether the incidental application to the states of a federal law of general applicability excessively interfered with the functioning of state governments. But where, as here, it is the whole object of the law to direct the functioning of the state executive, and hence to compromise the structural framework of dual sovereignty, such a 'balancing' analysis is inappropriate. It is the very principle of separate state sovereignty that such a law offends, and no comparative assessment of the various interests can overcome that fundamental defect...

"We adhere to that principle today, and conclude categorically, as we concluded categorically in *New York (v. United States)*, 505 U. S. 144, 166) 'The federal government must not compel the states to enact or administer a federal regulatory program.' The mandatory obligation imposed on chief law enforcement officers to perform background checks on prospective handgun purchasers plainly runs afoul of that rule...

"We held in *New York* that Congress cannot compel the states to enact or enforce a federal regulatory program. Today we hold that Congress cannot circumvent that prohibition by constricting the state's officers directly. The federal government may neither issue directives requiring the states to address particular problems, nor command the states' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty. Accordingly, the judgment of the Court of Appeals for

the Tenth Circuit is reversed."

In his concurring opinion, Justice Thomas wrote "the Court properly holds that the Brady Act violates the Tenth Amendment in that it compels state law enforcement officers to 'administer or enforce a federal regulatory program.'



Although I join the Court's opinion in full, I write separately to emphasize that the Tenth Amendment affirms the undeniable notion that under our Constitution, the federal government is one of enumerated, hence limited, powers... Accordingly, the federal government may act only where the Constitution authorizes it to do so...

"In my 'revisionist' view...the federal government's authority under the Commerce Clause, which merely allocates to Congress the power 'to regulate Commerce...among the several states,' does not extend to the regulation of wholly intrastate, point-of-sale transactions. See *United States v. Lopez*, 514 U.S. 549, 584 (1995) (concurring opinion). Absent the underlying authority to regulate the intrastate transfer of firearms, Congress surely lacks the corollary power to impress state enforcement officers into administering and enforcing such regulations. Although this Court has long interpreted the Constitution as ceding Congress extensive authority to regulate

commerce (interstate or otherwise), I continue to believe that we must 'temper our Commerce Clause jurisprudence' and return to an interpretation better rooted in the Clause's original understanding...

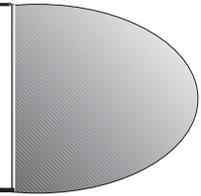
"Even if we construe Congress' authority to regulate interstate commerce to encompass those intrastate transactions that 'substantially affect' interstate commerce, I question whether Congress can regulate the particular transactions at issue here. The Constitution, in addition to delegating certain enumerated powers to Congress, places whole areas outside the reach of Congress' regulatory authority. The First Amendment, for example, is fittingly celebrated for preventing Congress from 'prohibiting the free exercise' of religion or 'abridging the freedom of speech.' The Second Amendment similarly appears to contain an express limitation on the government's authority. That Amendment provides: '(a) well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.' This Court has not had recent occasion to consider the nature of the substantive right safeguarded by the Second Amendment. If, however, the Second Amendment is read to confer a personal right to 'keep and bear arms,' a colorable argument exists that the federal government's regulatory scheme, at least as it pertains to the purely intrastate sale or transfer of firearms, runs afoul of that Amendment's protections. As the parties did not raise this argument, however, we need not consider it here. Perhaps, at some future date, the Court will have the opportunity to determine whether Justice Story was correct when he wrote that the right to bear arms 'has justly been considered, as the palladium of the liberties of a republic.' 3 J. Story, *Commentaries* #1890, p. 746 (1833). In the meantime, I join the Court's opinion striking down the challenged provisions of the Brady Act as inconsistent with the Tenth Amendment."

BLANCHARD THE CCRKBA GUN DEFENDER AWARDEE





QUICK SHOTS



stal, from Giat Industries of France, a state-controlled defense group, reported THE COURANT of Hartford, Connecticut. Herstal owns the Browning and Winchester brand names, making guns for civilian use.

"During five decades of communism, the gun was a tool of state oppression," wrote Cristi Cretzan of the Associated Press from Gjirokastra, Albania last month in THE WASHINGTON TIMES.

"For a short time in March," continued the AP reporter, "it became a symbol of freedom when thousands of people looted state warehouses as part of an armed rebellion..."

"Everyone here seems to have at least one weapon at home..."

"Shkeloim Guce, a 39 year old member of the Socialist Party and his friend Zigur Seferi, 56, a leader of the local branch of the Democrat Party, agreed they will turn in their guns if the rule of law returns.

"Guns are for defending the country against foreign enemies, not for Albanians to fight each other," Mr. Guce said. But both cradled guns as they sat at a cafe."

In Honolulu, Hawaii, Gov. Benjamin Cayetano signed into law H. R. 233, which allows hunters to use handguns while hunting game animals.

In Boston, Massachusetts, the Committee on Criminal Justice voted to give an ought-not-to-pass report to a so-called "assault weapons" ban bill, S. 148. In other words, the Committee advised the State Senate not to pass S. 148, which also included three other gun ban proposals.

In Fairfax, Virginia, the Fairfax County Board of Supervisors decided last month to end the practice of fingerprinting applicants for CCW permits.

The Board did this against the urging of Fairfax County Police Chief M. Douglas Scott.

Under the fingerprinting program, the applicants' fingerprints are sent to the FBI for checks against prints of known criminals.

Earlier this year, the state government enacted a law requiring local governments to adopt ordinances if they were to continue using the FBI fingerprint service.

The move to enact the Fairfax ordinance failed on a five to five vote.

Earlier, the neighboring Prince William County Board of Supervisors took similar action but planned to revisit the issue.

In both counties, fingerprinting opponents said the practice did not make much sense and was not worth the money. Even without the fingerprinting, applicants must show identification and undergo a criminal background check.

Fairfax Supervisor Michael R. Frye of Sully said a concealed weapon permit is not required for a handgun purchase and that people intent on breaking the law are not likely to apply for such a permit. "Someone who is a criminal or who has criminal intent is not going to apply for a permit," he said.

In addition to Frye, Supervisors voting against fingerprinting were Elaine N. McConnell of Springfield, Robert B. Dix, Jr. of Hunter Mill, Stuart Mendelsohn of Dranesville and Gerald W. Hyland of Mount Vernon.

Voting for fingerprinting were Board Chairman Katherine K. Hanley and Supervisors T. Dana Kaufman of Lee, Sharon S. Bulova of Braddock, Gerald E. Connolly of Providence and Penelope A. Gross of Mason.

Colt's Manufacturing soon will announce it is buying its chief competitor, Belgian firearms manufacturer FN Her-

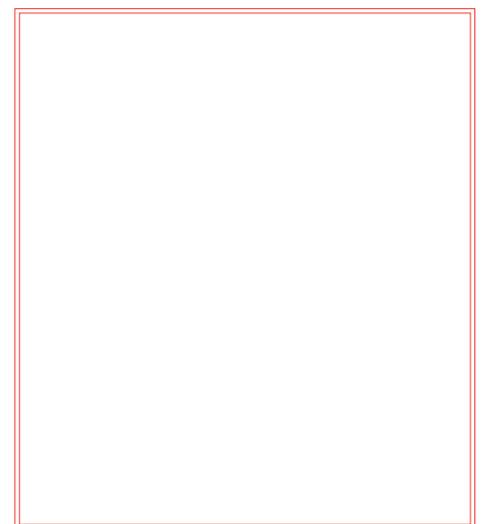
In Bellevue, Washington, CCRKBA Chairman Alan M. Gottlieb has called on CCRKBA Members and Supporters and all freedom-loving, firearms-owning, law-abiding American citizens to ask U. S. Senate Majority Leader Trent Lott of Mississippi to help stop President Bill Clinton "from using punitive 'executive orders' that restrict your right to keep and bear arms."

Gottlieb points out Clinton already "has issued an executive order that mandates all federal law enforcement officers must keep trigger locks on all firearms."

He states gun owners must "expose Clinton's planned use of his 'executive order' power to increase federal fees on guns and ammunition, ban guns that are imported, extend waiting periods, ban the use of guns on all government property and even make it illegal to own a gun if you smoke or use tobacco products."

Gottlieb has prepared a citizens injunction which interested parties may sign and return to CCRKBA National Headquarters for forwarding to Sen. Lott.

To obtain copies, please write to CCRKBA National Headquarters at 12500 N. E. 10th Place, Bellevue WA 98005, or call (425) 454-4911.



Old ad from _____

**CCRKBA LEADER SAYS SUPREME COURT
BRADY RULING IS A TURNING POINT
AND HAILS THOMAS FOR SECOND
AMENDMENT CONCURRENT REFERENCE**