

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



**April
2006**

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

(a non-profit corporation)

National Headquarters:
12500 N.E. Tenth Place
Bellevue, Washington 98005

Capitol Hill Office:
1090 Vermont Ave., N.W., Suite 800
Washington, D.C. 20005

UNFINISHED BUSINESS

Although we are not yet at the half-year mark for 2006, we are almost at the halfway legislative year mark for the 2nd Session of the 109th Congress.

This means that there really is not a lot of time left for Congress to take action on pending legislative items.

The word around the Hill is that a number of ordinarily pro-gun legislators, realizing that they enacted into law last year the very important Protection of Lawful Commerce in Arms Act, feel they have "done their part" for the "Second Amendment community" and that they don't really have to do much more for gun owners until the 110th Congress.

The reality is that there is legislation upon which Congress should take action and take action soon. CCRKBA Members and Supporters should contact their own Representative and both of their Senators.

One of these items is the move to repeal the draconian anti-gun laws in Washington, D.C. and to enact the proposed District of Columbia Personal Protection Act. This bill is S. 1082 in the U.S. Senate, where it has been referred to the Subcommittee on Oversight and Management, the Federal Workforce and the District of Columbia of the Senate Committee on Homeland Security and Governmental Affairs. The Subcommittee Chairman is Sen. George V. Voinovich of Ohio, SD 340, Washington, D.C. 20510. Phone: 202-224-3682. Fax: 202-228-0454.

In the House, the bill is H.R. 1288, and it has been referred to the House Committee on Government Reform. The Chairman is Rep. Thomas M. Davis III of Virginia, 2157 RHOB, Washington, D.C. 20515. Phone: 202-225-5074. Fax: 202-225-3974.

Another measure CCRKBA considers of paramount importance is H.R. 4547, by Rep. Cliff Stearns of Florida, to require every state and U.S. territory and the District of Columbia to recognize any concealed carry license issued by another state.

Under the proposal, the existing regulations governing concealed carry within a state would apply to all licensed visitors as well. For those states without a concealed carry licensing provision, Stearns' bill would set up a federally mandated standard for out-of-state visitors.

H.R. 4547 has been referred to the House Judiciary Committee, under the chairmanship of Rep. F. James Sensenbrenner, Jr. of Wisconsin, 2138 RHOB, Washington, D.C. 20515. Phone: 202-225-3951. Fax: 202-225-7682.

These proposals are measures the enactment of which would facilitate greatly the exercise by law-abiding Americans of their individual Second Amendment civil right to keep and bear arms.

CCRKBA Members and Supporters should contact Congress and in fact urge their legislators to get move this legislation.

ATTACK CONTINUES AGAINST SF GUN BAN

The anti-gun crowd, thwarted by lack of success at the federal and many state legislative levels of government, has taken to promoting their ideas in various metropolitan jurisdictions.

A case in point in this regard is San Francisco, which last year enacted an ordinance banning firearm sales.

Pro-gun forces, led by the Second Amendment Foundation, filed a lawsuit challenging the ban.

In late February, a hearing on the suit was heard before Superior Court Judge James Warren, with pro-gun forces arguing that the ordinance flouts California state law by requiring law-abiding residents to surrender their pistols.

Although the hearing lasted two hours, Judge Warren did not rule. He did order both sides to submit proposed rulings by March 20 and said he would rule within 60 days.

Judge Warren asked the city to delay enforcement until he rules.

The ordinance, known as Proposition H, which was approved by 58 percent of the voters last November, prohibits handgun possession by San Francisco residents and bans the sale, manufacture and distribution of firearms and ammunition within city limits. It exempts law enforcement officers and others who "need" guns for "professional purposes."

The suit against Proposition H contends that this local measure conflicts with California law, which authorizes police agencies to issue handgun permits and prohibits gun possession by certain categories of people, including convicted felons and the mentally ill.

An earlier San Francisco ordinance banning handgun possession in the city, by residents and nonresidents

alike, was overturned by a state appeals court in 1982. That court declared that "the field of residential handgun possession" is regulated by the state legislature, not local governments.

Proposition H, sponsored by Supervisor Chris Daly, sought to sidestep the 1982 ruling by prohibiting only San Francisco residents from owning handguns. Snodgrass, the city's lawyer, argued at the hearing that the city's home rule powers include the right to keep guns out of homes, and that California does not give anyone the right to own or buy a gun in violation of local ordinances.

"State law and the fairly modest level of protection it imposes simply is not protecting San Franciscans enough" from increasing gun violence, Snodgrass told Warren.

The judge, according to a San Francisco Chronicle report, gave little indication of his views, although he asked Snodgrass at one point why Proposition H, if intended to address gun violence, banned handgun possession only by city residents. "People coming from outside with guns are creating terrible havoc, and they're not touched" by the ordinance, Warren said.

Snodgrass replied that the city was entitled to concentrate on the problem of guns in homes, and feared that a broader prohibition would exceed its legal authority.

Even if the handgun ban is struck down, the city lawyer said, the prohibition on firearm sales should be upheld. Snodgrass noted that the state Supreme Court has upheld a ban on gun sales in Alameda County property, and that a state appeals court has affirmed West Hollywood's prohibition on the sale of cheap

pistols known as "Saturday Night Specials."

Pro-gun forces argued that if the handgun provision, the centerpiece of Proposition H, is overturned, the entire measure should fall.

Warren said he was unlikely to rule by the first of this month and suggested a delay in enforcement so that residents and the city's sole gun shop, High Bridge Arms, aren't subjected to fluctuating legal obligations.



POINT BLANK

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

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COURT NIXES SOCIAL SECURITY NUMBERS FOR GUN PURCHASES

A federal judge in late February struck down a Pennsylvania requirement that buyers provide a Social Security number to purchase a gun or obtain a concealed weapons permit.

U.S. District Judge Juan R. Sanchez said the state law violated the federal Privacy Act.

"This issue has been largely overlooked in Pennsylvania and other states for a long time," said lawyer J. Dwight Yoder, who brought the case on behalf of Mike Stollenwerk of Lancaster, a retired U.S. Army officer who now is a student at Georgetown Law Center in Washington, D.C.

Yoder said, "this ruling is about privacy, not guns. We weren't looking to circumvent gun laws."

Lawyers for the Pennsylvania State Police are reviewing the decision and considering an appeal, said spokesman Jack Lewis. He said that by requiring applicants to provide Social Security numbers, the agency "sim-

ply has followed the requirements of the state's Uniform Firearms Act."

Robert Ellis Smith, publisher of the Privacy Journal in Providence, Rhode Island, said the ruling is "significant because it comes at a time when most government agencies are requiring more and more information from people."

He said "the decision is part of a trend in the last 10 years as courts realize the importance of keeping Social Security numbers confidential because of identity theft."

Stollenwerk said he hoped the ruling would inspire others to challenge government demands for Social Security numbers. He also said he hoped it would encourage local and state officials to review application requirements.

"A lot of state governments have blown off this law," said Stollenwerk. "I think someone had to stand up to state governments and say, 'I'm going

to challenge this.'"

Stollenwerk, 42, has pressed the matter of gun permits in other states. In California, without going to court, he said he was able to convince state authorities that their gun purchase law violated the Privacy Act. In Virginia, he said, he was victorious in state court.

Stollenwerk began his efforts nearly three years ago, in June of 2003. He refused to give his Social Security number for buying a revolver and the State Police refused to run his application through its database without the number. He also applied for a concealed gun permit, supplying various forms of identification, but the sheriff denied him the license without the Social Security number. He then decided to go the court route.



IS BATFE ON RAMPAGE AGAINST GUN OWNERS?

According to congressional testimony, as reported by the Cybercast News Service, agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), allegedly acting without warrants or legislative authority to do so, seized firearms from at least 50 gun show patrons in Virginia. Witnesses also testified that African-American and female firearm buyers in Richmond, Virginia and Pittsburgh, Pennsylvania were profiled based on their race or sex and some in Pittsburgh were threatened with arrest by BATFE agents for alleged actions that are not violations of law.

Rep. Howard Coble of North Carolina is Chairman of the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security, which has jurisdiction over BATFE, and which held the hearing. Rep. Coble said that while he supports BATFE's mission, he questions some of its tactics.

Rep. Coble noted BATFE "reports that 206(gun show) participants were stopped and interviewed while it confiscated firearms from another 50 participants. Although most of the firearms were ultimately returned, the purchasers were notified via official letter from ATF that (they) were ordered to appear at the local ATF office to discuss their transactions. In addition, the letter explained that failure to appear could result in an arrest warrant being issued for the alleged charges."

The form letter had blanks for the name of the gun show patron and the date and time they were ordered to appear at the BATFE field office, but cited no authority for the gun confiscation or the mandatory office

visits.

"An investigation has revealed that you may have violated Title 18 U.S.C. Section 924 (a)(1)(A), a crime punishable by imprisonment for up to five years," the letter begins. The U.S. Code citation refers, in this instance, to knowingly making a false statement on the ATF Form 4473 "Firearms Transaction Record Part I-Over-The-Counter," which is completed for each firearm purchased from a federally licensed firearms dealer (FFL).

"The firearm that you purchased is being taken into ATF custody," the letter continued, citing no authority for the seizure.

Rep. Bobby Scott of Virginia, the Ranking Minority Member of the Subcommittee, said the BATFE letter and the reported interrogation of lawful gun buyers raise "serious questions."

"There's a way to have a sting operation that's legal," he said. "This dragnet, apparent dragnet, however, is not the way it ought to be done. You have to show probable cause and it can be done. But you ought not just stop people without probable cause and without any indication of guilt."

John White, a former law enforcement officer who is now an FFL operating under the business name "The Gunsmith," said female customers who approached his sales area at the Richmond shows were immediately targeted by the "undercover" officers.

"If a woman showed up at my table, she was surrounded by law enforcement," White recalled. "If the lady walked off and suddenly stopped, they would have bumped

into each other. Their surveillance methods were pitiful.

"Every woman that makes a purchase, every woman who comes to my table to buy a gun was automatically (treated as) a straw purchaser," White said.

Suzanne McComas, a licensed private investigator, was hired by pro-gun forces to gather information about BATFE's Richmond operations. During her investigation, she learned that BATFE had been conducting "residency checks" in at least one other U.S. city, but using different and "much more intimidating" tactics.

"At Pittsburgh, the Firearms Task Force there that's also headed by the ATF, instead of doing residency checks immediately, they're collecting the 4473 with the purchaser's address on it, then they go knock at the door about a week later and ask, 'Could we see the gun that you bought?'" McComas explained. "There's absolutely no process involved, there's no reason for them to do it. If you cannot produce the gun, they ask you for the sale paperwork. If you refuse to produce the paperwork they put you under arrest for a 'straw purchase.'"

As might be expected, BATFE denied any wrongdoing at a subsequent hearing. Michael Bouchard, BATFE Assistant Director of Field Operations, told the Subcommittee that his agents broke no laws and violated no one's civil rights. "Our internal review has shown no evidence of misconduct or any concerns reflecting negatively on the integrity of our agents or our (other law enforcement agency) partners," he said.

NACOP POLL SHOWS SUPPORT FOR GUNS

For nearly 20 years now, an annual survey of America's top police officers shows that the command officers in the United States favor the traditional Second Amendment right of individual law-abiding citizens to keep and bear arms by overwhelming margins.

This is true despite what gun-grabbing organizations and individual, politically-appointed law enforcement officers might say.

According to the 18th survey conducted by the National Association of Chiefs of Police (NACOP), the only such survey of its kind, 92.4 percent of the nation's chiefs of police and sheriffs believe any law-abiding citizen should be able to purchase a

firearm for sport or self-defense.

59.9 percent think that a national concealed handgun permit will reduce rates of violent crime as recent studies conducted in some states have indicated.

When asked if, within the past year, the officers' agencies have been called upon to arrest anyone who has made a false statement on an application to purchase a firearm, 93.2 percent said no.

About 95 percent (94.9 percent) maintain that criminals currently are able to obtain basically any type of firearm by illegal means, and 89 percent think that anyone (such as a convicted felon) in violation of state or federal firearm possession laws

should be prosecuted by the U.S. Attorney and, if convicted, receive a maximum prison term.

Over 70 percent (70.1 percent) believe that, in times of natural disaster, local law enforcement command officers should be authorized to deputize qualified law-abiding armed citizens to assist in restoring and maintaining public order.

The NACOP survey is posed by mail to 22,587 chiefs of police and sheriffs. Traditionally, the response rate falls within the 12 to 13 percent range. NACOP maintains the survey "represents a cross section of professional command officers involving every state."

FLORIDA STATE REP CCRKBA DEFENDER

Florida State Rep. Dennis K. Baxley of Ocala, Florida is the CCRKBA Gun Rights Defender of the Month for April.

In nominating Rep. Baxley for the Award, John Michael Snyder, CCRKBA Public Affairs Director, explained his thinking.

"In recent years," said Snyder, "Florida has become one of the states most considerate of the right of law-abiding citizens to keep and bear arms for purposes of self-defense as well as for other legitimate reasons. This development has come about to a large extent because of the efforts of a number of individuals. It hasn't just happened. People have worked to make it happen. One of these people, in fact one of the leaders of this effort is Rep. Baxley. It is because of this that it would be appropriate to grant him this Award."

It was just a year ago this month that the Florida House of Representatives, by an overwhelming vote of 94 to 20, passed Rep. Baxley's bill to give potential victims of violent crime the right to "meet force with force." The bill had passed the State Senate, and was signed into law by Gov. Jeb Bush.

The law eliminates the need to try to retreat before using deadly force. Rep. Baxley said, "if I'm attacked, I shouldn't have a duty to retreat.

That's a good way to get shot in the back."

The law Rep. Baxley sponsored and worked to enact allows citizens to use deadly force without the duty to retreat no matter where the confrontation occurs, and without fear of prosecution or liability if that use is justified.

This year, Rep. Baxley is right in the middle of another fight over the right to keep and bear arms.

It seems that, in Florida, as well as in a number of other states as well, where law-abiding citizens generally enjoy relative freedom in their exercise of their right to keep and bear arms, some such citizens feel their rights are being infringed by their employers. That is because a number of companies have policies that positively prohibit the keeping of firearms in vehicles parked in company parking lots.

Rep. Baxley and others believe these policies interfere with the Second Amendment rights of workers who feel that, to be safe going to and from work, they ought to be able to bring their guns with them when they drive to and from work. But if their companies prohibit them from doing this, how can they be safe?

To try to help out the workers, and others who may want to leave their guns in their cars while they go shopping or for some other legitimate reason, Rep. Baxley early this year introduced HB 129. This would provide that a person or entity may not establish, maintain, or enforce a policy or rule that has the effect of prohibiting the otherwise lawful possession of a firearm that is locked in or locked to a motor vehicle that is on any premises set aside for the

parking of motor vehicles. Violators could be fined up to \$5,000, imprisoned up to five years, or both.

Rep. Baxley's proposal created quite a stir within certain elements of the Florida business community, to say the least. They maintained that they, as private landowners, have a traditional right to regulate behavior on their property. They said the Baxley proposal would trample upon those rights. The Florida Retail Federation and the Florida Chamber of Commerce publicly opposed the Baxley bill, as well as an identical Senate version.

The conflict came to a head in the latter part of February when the Florida House Judiciary Committee met to take up the bill. It was apparent at the meeting that some Florida legislators who generally support the right to keep and bear arms were hesitant about backing the Baxley proposal. State Rep. Dennis Ross of Lakeland, for instance, said he's an NRA member and belongs to numerous hunting groups, but that he's also a businessman. "I believe it's an infringement of my property rights," he said of the bill.

Rep. Baxley then decided to pull the bill. He said he and others might next try to solve the problem with another legislative approach, maybe even with a wrongful termination bill, within a few weeks.

Born August 22, 1952, Rep. Baxley is a funeral director. He holds a Bachelor of Arts degree in sociology/psychology from Florida State University. He and his wife, Michelle "Ginette" Begin, have five children and one grandchild.



U. S. Supreme Court Justice Antonin Scalia said the best thing avid outdoorsmen could do for the sport of hunting is to attack the stereotype that guns are used only for evil purposes. Scalia, an enthusiastic hunter, spoke before the recent National Wild Turkey Federation annual convention. Scalia told the 2,000 gathered for the group's awards banquet that, "the attitude of people associating guns with nothing but crime...has to be changed." Scalia said, "I grew up at a time when people were not afraid of people with firearms." He told the group that, as a child growing up in New York City, he was part of a rifle team at the military school he attended. "I used to travel on the subway from Queens to Manhattan with a rifle," he recalled. "Could you imagine doing that today in New York City?"



Second Amendment supporters filed a lawsuit stemming from the wrongful arrest of a Utah man who was detained at the Newark, New Jersey airport because he had a gun in his luggage. As required by federal law, the firearm was unloaded, locked and stored in a case inside Gregg Revell's luggage. Although federal law protects law-abiding citizens who travel with firearms, Revell nevertheless was arrested for possessing a firearm without a New Jersey state license. The Association of New Jersey Rifle & Pistol Clubs, Inc. says federal law should have trumped state and local law in the case. The Association says it is suing the Port Authority of New York

and New Jersey and one of its police officers for wrongfully arresting and imprisoning Revell, who spent five days in jail before his family raised the required \$15,000 cash to bail him out.



Several Illinois-based gun manufacturers are mobilizing opposition to a bill dubbed the "Blagojevich Assault Weapons Ban." Gov. Rod Blagojevich and Chicago Mayor Richard Daley are pushing the bill, HB2414, that would prohibit the "manufacture, delivery and possession of semiautomatic assault weapons, assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges" in the state. The bill would ban "large capacity" ammunition feeding devices that hold more than 10 rounds of ammunition. Anyone owning such a magazine, belt, drum or similar device would be required to destroy it or surrender it to a law enforcement agency within 90 days of the law taking effect. The manufacturers say the bill, if enacted into law, would cause Illinois a direct loss of more than 750 jobs and \$150 million in manufacturing sales.

At least 21 states, according to a United Press International report, are considering "Stand Your Ground" legislation similar to Florida's law that allows citizens fearing an attack to use deadly force. Supporters of such measures tell the Christian Science Monitor that the laws give

citizens protection from criminals and take the debate from gun control to crime control. Opponents say garden-variety disputes would be more likely to turn deadly. The law is at odds with the long-standing "duty to retreat" theory many state supreme courts have upheld, according to the Monitor, although a 1921 U.S. Supreme Court ruling did not support "duty to retreat."

In Canada, longstanding opponents of the national long-gun registry are hoping that the newly elected federal Conservatives will follow through with a campaign promise to scrap the program. Dismayed at the program's outrageous implementation costs and what they say is virtual ineffectiveness at curbing gun-related crime, many are happy the government has begun the process. The Conservative government announced in February that a three-member committee has been created to examine the best and quickest way of closing down the registry. Glenn Bieleh, a former outfitter and guide, said the hope is that the political will on Parliament Hill exists to see the registry eliminated. "I hope they go ahead with it and I hope they get the support of whatever other party so they can actually defeat it," he said.

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