

POINT BLANK

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



**August
2007**
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CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

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CCRKBA Report:

ANALYSIS OF NIE SHOWS FIREARMS NEED

"An analysis of the July National Intelligence Estimate (NIE) on 'The Terrorist Threat to the United States Homeland' demonstrates that there is as great a need today as ever for maintaining the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms," John M. Snyder, CCRKBA Public Affairs Director, concluded.

"Our analysis demonstrates also that ongoing legislative and bureaucratic attempts to undermine American personal gun rights constitute a real threat to the ability of our citizens to resist terrorists should the need for that arise now or in the near future."

According to a public released extract of the classified National Intelligence Estimate, the international militant Islamist terrorist organization Al Qaeda currently plans attacks on American citizens and entities within the United States, and "is proficient with conventional small arms and improvised explosive devices, and is innovative in creating new capabilities and overcoming security obstacles."

"What this means," said Snyder, "is that terrorists could strike anytime at anyplace against anyone, and one of the best ways law-abiding American armed citizens can assure themselves and their families of security is by continually maintaining actively the individual Second Amendment right to keep and bear arms."

The NIE represents the consensus view of all 16 agencies that make up what is known generally as the American intelligence community. The report concluded last month that the United States would face a "persistent and evolving terrorist threat over the next three years."

As Americans consider next month is the sixth anniversary of the deadly Islamist attacks on the United States in New York City and Washington, D.C. of September 11, 2001, the NIE extract noted that, "although we have discovered only a handful of individuals in the United States with ties to Al Qaeda senior leadership since 9/11, we judge that Al Qaeda will intensify its efforts to put operatives here. As a result, we judge that the United States is in a heightened threat environment."

"Given this heightened threat environment," said Snyder, "and realizing full well that in the final analysis under some circumstances it is the individual armed citizen who best is able to protect himself or herself and his or her family, we hardly can condemn too harshly the attacks politicians and others make on our gun rights.

"CCRKBA is battling these gun grabbers, and we need your help."

CCRKBA COUNTERS JACKSON ANTI-GUN DEMONSTRATIONS

As anti-gun Rev. Jesse Jackson last month was feverishly organizing a 25-city anti-gun protest set for the 28th of this month, CCRKBA called on gun owners to visit gun shops and shooting ranges, and to contact their state and federal lawmakers to demand that they support our Second Amendment rights.

Jackson's day of national protest was timed to take place on the anniversary of Dr. Martin Luther King's 1963 march on Washington, D.C.

"The great hypocrisy here," said CCRKBA Chairman Alan M. Gottlieb, "is that Dr. King's historic march was to promote and defend civil rights. What Jackson plans is designed to crush America's most important civil right, a right that Dr. King exercised by owning a handgun."

Jackson wants to limit the number of firearms a person may purchase in a year, place new restrictions on who is allowed to own a handgun, and mandate longer waiting periods.

"While Jackson and his gun-grabbing cronies want to make it more difficult, if not impossible, for average Americans to keep and bear arms," Gottlieb said, "gun owners can exercise their constitutional rights, and tell their lawmakers to defend the Second Amendment. They can visit a gun shop, buy a gun or ammunition, or visit a range and exercise their rights."

"Being from Chicago," Gottlieb continued, "it is astonishing that Jackson has failed to see the correlation between that city's Draconian gun ban and Chicago's violent crime rate, yet he wants to lead a nationwide protest against a constitutionally protected civil right. Rev. Jackson evidently has forgotten the question

raised in Luke, Chapter 5: 'Can the blind lead the blind?'

"Holding law-abiding gun owners responsible for crimes they did not commit, which is what restrictive gun laws do, is like bearing false witness against thy neighbor. Anybody joining in this protest could remember the words of Matthew's gospel, warning readers to 'Beware of false prophets, who come to you in sheep's clothing, but inwardly are ravaging wolves.'"

Earlier, CCRKBA charged that Jackson's headline-grabbing June protest at a suburban Chicago-area gun shop produced proof that Jackson and anti-gunners like him do not understand that even gun owners and retailers have civil rights.

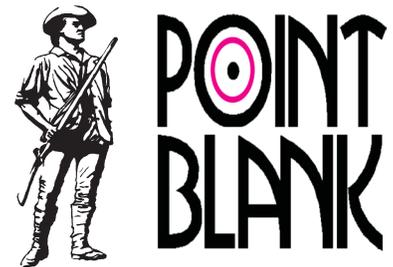
Jackson and Rev. Michael Pfleger were arrested outside of Chuck's Gun Shop in Riverdale, Illinois after blocking the door so that customers of the shop could not enter. The *Chicago Tribune* quoted him as asserting, "I think people have the right to bear arms at a hunting preserve."

"For a guy who built his reputation as a so-called defender of civil rights," observed Gottlieb, "Jackson demonstrated a remarkable ignorance on the subject. A civil right is not subject to fences, or specific activities. The right to keep and bear arms is supposed to apply everywhere, just like the voting rights for which Jackson and others fought hard to defend a generation ago.

"If Jackson truly believed in civil rights, instead of getting himself arrested in front of Chuck's Gun Shop, he'd be getting himself arrested on the steps of Chicago's city hall, demanding that Mayor Richard Daley and his cronies abolish that city's

handgun ban. That ban has left good citizens at the mercy of criminals for more than 30 years and everyone, including Jackson, knows it."

Gottlieb added that, "Jackson, like every other far left political demagogue, believes that some rights, particularly the right to bear arms, are subject to politically correct whim. He would relegate a cherished civil right to the level of a privilege, proving that he doesn't have a clue about what it is he supposedly has been fighting for over the past 40 years."



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

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CCRKBA BLASTS MOVE TO GUT SECOND AMENDMENT

"Now that courts seem ready to accept the individual rights interpretation of the Second Amendment, the gun grabbers are beginning to come out with proposals to eliminate outright the Second Amendment, and we intend to battle them tooth and nail on this issue right down to the wire," John M. Snyder, CCRKBA Public Affairs Director, stated last month in the Nation's Capital.

"For many years now," he continued, "the gun grabbers have been promoting a bizarre legal theory according to which the Second Amendment right to keep and bear arms, unlike other rights enumerated in the bill of rights, refers to a collective right rather than to an individual right. It's been obvious that the anti-gunners have viewed a Second Amendment individual right to keep and bear arms as a constitutional roadblock to their attempts to impose various kinds of restrictive gun controls on law-abiding American gun owners and potential gun owners.

"What's been happening lately, though, is that federal judges, following years of scholarship by eminent legal scholars on the subject, have begun to see the fallacious nature of the collective rights interpretation for the twisted intellectual scam it really is. Just recently, for instance, Senior Judge Laurence Silberman of the U.S. Court of Appeals for the District of Columbia Circuit, in a majority opinion, struck down a Washington, D.C. handgun ban as unconstitutional because, he reasoned, it conflicted with the individual Second Amendment right to keep and bear arms."

Snyder said that "this kind of legal development is causing quite a bit of consternation in the camp of the

gun grabbers, and some of them now are recommending that their anti-gun movement begin to work towards elimination of the Second Amendment altogether. This came to public attention early this summer when Nathan Burchfiel of the Cybercast News Service (cnsnews.com) reported that anti-gun 'scholar' Benjamin Wittes stated as much in a public forum."

"The Second Amendment guarantees the right of an individual to own guns and for that reason should be repealed, according to a legal affairs analyst who opposes gun ownership," Burchfiel reported.

"The Second Amendment is one of the clearest statements of right in the Constitution," said Wittes, a guest scholar at the center-left Brookings Institution, during a Washington, D.C. discussion in early June. "We've had decades of sort of intellectual gymnastics to try to make those words not mean what they say," Wittes added.

Wittes said he has "no particular enthusiasm for the idea of a gun culture." He said further that rather than try to limit gun ownership through regulation that potentially violates the Second Amendment, opponents of gun ownership should set their sights on repealing the amendment altogether.

"Rather than debating the meaning of the Second Amendment, I think the appropriate debate is whether we want a Second Amendment," Wittes said. He admitted, though, that the likelihood of achieving an outright removal of the Second Amendment altogether is "pretty limited."

Wittes is a columnist for *The New Republic Online* and for 10 years has

been an editorial writer for the anti-gun *Washington Post*, specializing in legal affairs. He is a contributing editor of *The Atlantic Monthly*.

Wittes said the Second Amendment recognition of the right to keep and bear arms meant more when it was crafted more than 200 years ago than it does today. Modern society is "much more ambivalent than they (the Founding Fathers) were about whether gun ownership really is fundamental to liberty," he said.

Snyder directly disputed this. "In reality," he said, "the right to keep and bear arms is at least as important today, if not even more important today, than it was in the late 18th Century. Scores of millions of law-abiding American citizens today own hundreds of millions of handguns, rifles and shotguns. Firearms figure millions of times each year in the United States in defensive gun uses, and scholarly studies indicate that public policies facilitating concealed gun carry correlate with reduced rates of violent crime. Also, with the rise of the dispersed militant threat from radical Islamists, more and more Americans realize they need guns to be able to defend themselves and their families from these murderous thugs should the need arise.

"Wittes is way off base with his assumption, and he ought to do some further thinking on this matter."

Wittes' Second Amendment elimination proposal came during a Brookings Judicial Issues Forum on whether or not the right to bear arms is an anachronism.

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CCRKBA HITS PROPOSAL ON GUN OWNER LICENSING

"Congressman Bobby Rush of Illinois has introduced a bill which, if enacted into law, would impose such onerous licensing burdens on owners of certain firearms as to make it almost impossible if not altogether impossible for millions of law-abiding American citizens to acquire guns they deem necessary or appropriate for the defense of their lives and their loved ones as well as for other legitimate purposes," John M. Snyder, CCRKBA Public Affairs Director, said last month in Washington, D.C.

"His measure, H.R. 2666, which he calls Blair Holt's Firearm Licensing and Record of Sale Act of 2007, referred to the House Judiciary Committee, is such a horrible idea that we oppose it wholeheartedly," Snyder added. "It would create such a huge and phony mountain of red tape for the acquisition of certain firearms and give the government such broad powers to mandate additional requirements that it could and most likely would amount to gun elimination by regulation. We urge CCRKBA Members and all supporters of the individual Second Amendment civil right to keep and bear arms to contact their own U.S. Representative and request that he or she fight against it."

Under H.R. 2666, anyone who is not acting as a government agent or who is not a licensed firearms importer, manufacturer, dealer or collector would be unable to possess legally

any handgun or any semiautomatic firearm that can accept any detachable ammunition feeding device unless that individual has a valid license issued under the proposal. The license would have to be issued by the federal government or by a state government following federal stipulations set up by the bill. Antique firearms would be excluded.

In order to be issued a license, an individual generally would have to submit to the U.S. Attorney General an application. The application would have to include a current, passport-sized photograph of the applicant; the name, address, and date and place of birth of the applicant; any other name that the applicant has ever used or by which the applicant has ever been known; a clear thumb print of the applicant, which shall be made when, and in the presence of the entity to whom, the application is submitted; with respect to each category of person prohibited by federal law, or by the law of the state of residence of the applicant, from obtaining a firearm, a statement that the individual is not a person prohibited from possessing a firearm; a certification by the applicant that the applicant will keep any firearm owned by the applicant safely stored and out of the possession of persons who have not attained 18 years of age; and a certificate attesting to the completion at the time of the application of a written firearms examination.

This examination would test the knowledge and ability of the applicant regarding the safe storage of firearms, particularly in the vicinity of persons who have not attained 18 years of age; the safe handling of firearms; the use of firearms in the home and the risks associated with such use; the legal

responsibilities of firearm owners, including federal, state and local laws relating to requirements for the possession and storage of firearms, and relating to reporting requirements with respect to firearms; and any other subjects as the Attorney General determines to be appropriate.

The application would have to include an authorization to release to the Attorney General or an authorized representative of the Attorney General any mental health records pertaining to the applicant.

The application would have to include the date on which the application was submitted as well as the signature of the applicant.

H.R. 2666 also would prohibit any person from selling, delivering or otherwise transferring an affected firearm to or for any person who is not a licensed importer, manufacturer, dealer, or collector, or to receive an affected firearm from a person who is not a licensed importer, manufacturer, dealer or collector unless, at the time of transfer or receipt the transferee presents to a licensed dealer a valid firearms license issued under the provisions of H.R. 2666.

Then, the licensed dealer would have to contact the Attorney General or the head of the state agency that administers the certified system and receives notice that the transferee in fact has been issued the valid firearm license. The dealer also would have to record on a document such as the sales receipt a tracking authorization number provided by the Attorney General or by the state authorizing agency.

[Check the enclosed flier for information about the Gun Rights Policy Conference October 5, 6 and 7, 2007.](#)

SECOND AMENDMENT CASE GOING TO SUPREME COURT

The government of the District of Columbia announced last month it will appeal to the United States Supreme Court a lower federal court's decision overturning the District's 30-year ban on handguns. The lower court ruled the ban is an unconstitutional violation of the Second Amendment.

At issue is whether the Second Amendment recognizes an individual right to keep and bear arms, or a collective right.

After the petition of certiorari, or request to hear the case, is filed, the Supreme Court could either accept or reject the petition.

Washington, D.C. Mayor Adrian Fenty, joined by D.C. Attorney General Linda Singer and Metropolitan Police Chief Cathy Lanier, said the

District will file its petition of certiorari on September 5.

In a 2-1 decision issued March 9, the U.S. Court of Appeals for the District of Columbia Circuit struck down the ban on keeping handguns in homes, ruling that the United States Constitution recognizes an individual's right to own a firearm.

Senior Judge Laurence Silberman wrote the decision in the case, *Parker v. District of Columbia*. The full appellate court denied a D.C. request to rehear the case.

Fenty said, "We have made the determination that this law can and should be defended and we are willing to take our case to the highest court in the land to protect the city's residents. Our handgun law

has saved countless lives – keeping guns out of the hands of those who would hurt others or themselves."

To meet the 90-day deadline to file a petition for certiorari, District of Columbia Attorney General Singer filed a 30-day extension request, so that the city may file its petition with the Supreme Court on September 5. There was no opposition expressed to the extension request, and Chief Justice John G. Roberts, Jr. granted it.

Singer said that, "the Second Amendment does not prevent the District of Columbia, like other states, from enacting reasonable regulations to limit gun possessions and protect its residents. We believe we are right as a matter of law and are hopeful we will prevail."

CITIZEN ACTION PROJECT

Traditionally, the August period is one of the longest periods of the legislative year during which both the U.S. Senate and U.S. House of Representatives are not in formal session in Washington, D.C.

This year, the congressional Summer District Work Period is scheduled to take a full four weeks, from the first full week this month until the Tuesday after Labor Day, in September.

During this Summer District Work Period, Representatives and Senators ordinarily try to hold a number of Town Hall Meetings and set aside time to meet in home districts and states with constituents, with both groups and also with individuals. Looked at from the constituents' point of view, the Summer District Work Period presents CCRKBA Members and Supporters with an opportunity of a full month's duration to try to arrange meetings with Representatives and Senators. At these meetings, voters may discuss with these elected officials concerns with regard to pending firearms and firearms-related legislative issues. If constituents are not able to set up individual or group meetings with these elected officials, they can try to attend a Town Hall Meeting or two with their elected officials.

Among the issues firearm owners could discuss with Representatives and Senators is the importance of continuing to include the Tiahrt Amendment in Justice Department Appropriations for Fiscal Year 2008, as this helps to protect the firearms industry from harassing third-party civil lawsuits brought by local gun-grabbing politicians.

Another matter gun owners may wish to discuss is H.R. 2640, the proposed and so-called NICS Improvement Amendments Act of 2007. Although the measure has passed the House of Representatives, as of this writing it has not been acted on formally by the full Senate. Some Capitol Hill observers suspect anti-gun Senators may try to include in the bill a number of anti-gun additions. Although both the NRA and the gun control lobby support H.R. 2640 as passed by the House, CCRKBA Members and Supporters may have their own ideas on this bill that they would like to discuss with their Representative and both of their Senators. The Summer District Work Period may afford a good opportunity to do just that.

To find out about how to get together with their elected officials, or when and where Town Hall Meetings may be held, CCRKBA Members and Supporters could consult the blue pages of their telephone directories to look up these officials' local addresses and phone numbers.

SEN. DICK SHELBY THE CCRKBA GUN DEFENDER

Sen. Richard C. Shelby of Alabama is the CCRKBA Gun Rights Defender of the Month for August.

In nominating Sen. Shelby for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "Sen. Shelby throughout his career has been a consistent defender of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. His action in support of the right recently during an important Senate Appropriations Committee consideration of U.S. Justice Department funding for fiscal year 2008 deserves special commendation. He certainly deserves this recognition."

Here's what happened.

For some time now, gun grabbers have been working to delete the Tiahrt Amendment from Justice Department appropriations. The Tiahrt Amendment stipulates that firearms trace data maintained by BATFE for purposes of criminal investigation and prosecution may not be used for other purposes. The gun grabbers, led by New York City Mayor Michael Bloomberg, have been trying to get the Tiahrt Amendment taken out of the appropriations so that anti-gun mayors may have access to the data for use in harassing and costly third party civil lawsuits against firearms manufacturers, distributors and dealers. They want to put the American firearms industry out of business so that citizens will not have access to legal sources of firearms. They want to make it practically impossible for citizens to exercise their Second Amendment rights.

One of Bloomberg's anti-gun allies, Sen. Barbara A. Mikulski of Maryland, who is Chairwoman of the Appropriations Subcommittee

which deals with Justice Department funding, stripped the Tiahrt Amendment out of the appropriations before she sent the measure to the full Appropriations Committee.

When the full Appropriations Committee met in late June, Sen. Shelby offered an amendment to reinsert the Tiahrt Amendment. He even included a provision to strengthen the Tiahrt Amendment. That provision would require local law enforcement personnel, when requesting access to the firearms trace data from BATFE, to state the reason for wanting the information. That would help prevent politically-appointed chiefs of police, acting under the direction of anti-gun mayors, from getting access to the data willy-nilly, and then turning it over to mayors for use in civil lawsuits against the gun industry.

Anti-gun Sens. Frank Lautenberg of New Jersey and Dianne Feinstein of California offered an amendment to Shelby's proposal to weaken or gut it.

When the rubber hit the road, when it came time for the Appropriations Committee to vote, the Lautenberg-Feinstein move failed and Shelby's amendment was approved by a 19-10 bipartisan vote. It went to the full Senate for consideration there.

Later, the Appropriations Committee of the House of Representatives defeated attempts to reject the Tiahrt Amendment, including it in the Justice Department Appropriations measure it sent to the full House

"I believe," stated Sen. Shelby, "that gun control legislation is violative of both the letter and spirit of the United States Constitution.

"To combat crime in our communities, we need stronger penalties. I will vote against all attempts to in-

fringe upon the rights of law-abiding citizens. It is a foremost right of all American citizens to be free from the fear of violent crime in our homes, our streets and our communities. We cannot demonstrate any tolerance for crime in our society. Individuals who commit crimes with firearms should be dealt with quickly and effectively. We must ensure that criminals are held accountable for their actions, that they receive swift and certain punishment commensurate with their crimes, and the protection of innocent citizens takes priority over other objectives."

Alabama's senior United States Senator, Shelby was first elected to the Senate in 1986, and reelected to successive terms since that time. Prior to his election to the Senate, he served four terms in the U.S. House of Representatives and prior to that eight years in the Alabama legislature. He also served as a City Prosecutor in Tuscaloosa, Alabama, U.S. Magistrate for the Northern District of Alabama, and Special Assistant to the Attorney General in Alabama.

Born May 6, 1934 in Birmingham, Alabama, Sen. Shelby is a graduate of the University of Alabama's undergraduate and law programs. He and his wife, Annette Nevin Shelby, have two sons: Richard, Jr. and Claude Nevin. Claude and his wife Lisa have one daughter, Anna Elizabeth Shelby, and one son, William Nevin Shelby.

In addition to his membership on the Senate Appropriations Committee during the current, 110th Congress, Sen. Shelby is Ranking Member of its Commerce, Justice, and Science Subcommittee. He also is Ranking Member of the Banking, Housing and Urban Affairs Committee.



QUICK SHOTS

The U.S. Department of Labor announced in mid-July that it will significantly revise a recent proposal for new “explosives safety” regulations. The original rule proposed by the Occupational Safety and Health Administration (OSHA) would have forced the closure of nearly all ammunition manufacturers and would have forced the cost of small arms ammunition to skyrocket beyond what the market would bear, essentially collapsing the industry, according to the National Shooting Sports Foundation (NSSF). Then, Kristine A. Iverson, the Labor Department Assistant Secretary for Congressional and Intergovernmental Affairs, wrote Rep. Denny Rehberg of Montana that it “was never the intention of OSHA to block the sale, transportation, or storage of small arms ammunition, and OSHA is taking prompt action to revise” the proposed rule to clarify the purpose of the regulation.



Prominent Shi’ite and Sunni politicians called on Iraqi civilians early last month to take up arms to defend themselves after a weekend of violence that claimed more than 220 lives, including 60 who died in a surge of bombings and shootings around Baghdad, reported the Associated Press. The proposals to arm civilians reflected growing frustration over the inability of Iraqi forces to prevent attacks, while the string of bombings in the Iraqi capital showed that extremists can still unleash powerful strikes there despite the

United States security crackdown. Abbas al-Bayati, a Shi’ite Turkman lawmaker, said that, in the absence of enough security forces, the Iraqi government should help residents “arm themselves” for their own protection. The call to arms for civilians was echoed by the country’s Sunni Arab vice president, Tariq al-Hashemi, who said “the people have no choice but to take up their own defense.”



When *USA Today* last month editorialized in support of a “gun show loophole” ban, Philip Van Cleave, President of the Virginia Citizens Defense League (www.vcdl.org), noted in an opposing view in the same issue of the publication that in reality “there is no loophole,” and wrote that “critics use gun shows to scare you into accepting more limits.” As he pointed out, “There is nothing that can be done at a gun show that cannot be done legally outside of a gun show. The terms ‘gun show loophole’ and ‘unlicensed gun dealer’ are fabricated to mislead the public into thinking that gun shows permit gun sales that would be forbidden anywhere else. The intent of this scheme is to villainize gun shows, making the public receptive to additional restrictions. This is just the first step in a ‘private gun sale registration’ scheme. Gun banners know they must take small steps, placing more and more hurdles to gun ownership so that fewer law-abiding citizens will go to the trouble of purchasing a firearm.”



“With an increasing number of (Oklahoma) state residents legally packing heat,” reports the *Tulsa World*, “more robbers may be taking away some hot lead. More than 54,000 Oklahomans are licensed to carry concealed handguns under the Oklahoma Self-Defense Act, said Jessica Brown, spokeswoman for the Oklahoma State Bureau of Investigation. That number is up from around 31,000 in 2000 and 15,081 in 1996, after the first year of licensing. Once approved, applicants are licensed to carry concealed weapons for five years. After five years, they are required to renew their application. In the beginning, some people thought a wave of shootings by license holders would occur, but those fears have proved to be unfounded, Brown said. ‘There’s very little of that, quite frankly,’ she said. ‘Most people don’t want to hurt each other.’”



When an unexpected knock rattled his front door in Hickory, North Carolina, 79-year-old Dwight Cook left his front porch to investigate. When he heard the sliding glass doors break, he sent his wife to the neighbors’ house and grabbed his gun. The former Army sharpshooter fired a warning shot with his caliber .22 firearm at the intruder but the shot ricocheted and hit the alleged intruder, 23-year-old Derek Scott, in the forehead. Police arrested the would-be burglar.

4

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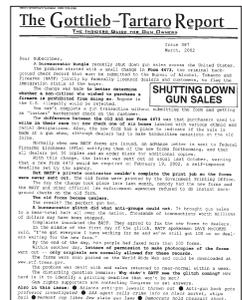
The Journal of Firearms and Public Policy:

At last, an academic journal dedicated to scholarly discussion of firearms and public policy! The JOURNAL OF FIREARMS AND PUBLIC POLICY has published annually since 1989. Its mission: to encourage objective research on the right to keep and bear arms, and explore America's Constitutional heritage to privately own and possess firearms. Edited by David B. Kopel – Research Director at the Independence Institute and renowned gun-rights scholar – and contributors include Randy E. Barnett, Glenn Harlan Reynolds, John R. Lott, Joseph P. Tartaro, Gary Kleck, and others.

The Gottlieb-Tartaro Report:

Here's a monthly newsletter that gives you inside gun-rights information from the desks of active principals in the battle for the right to keep and bear arms. The GOTTLIEB-TARTARO REPORT is headed by Alan M. Gottlieb – chairman of the Citizens Committee for the Right to Keep and Bear Arms – and Joseph P. Tartaro – editor of Gun Week and president of the Second Amendment Foundation. This monthly newsletter is full of inside gun rights news straight from the desks of the experts. Not available on newsstands. Regular subscription \$60 per year.

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