

POINT BLANK

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



**February
2008**
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BUSH SIGNS NICS BILL

President George W. Bush last month signed into law the so-called NICS Improvement Act.

Under unanimous consent agreements in both the Senate and House of Representatives, Congress earlier passed the measure without a recorded vote in either chamber.

The new law is directed ostensibly at preventing mentally ill individuals from buying firearms. It authorizes up to \$1.3 billion in federal grant money for states to improve their ability to track and report people who should not qualify legally to buy a gun, including those involuntarily confined to a mental institution. A lot of that taxpayer supplied money, to be expended over a five year period, supposedly is to be used to increase state feeds to the National Instant Criminal Background Check System, NICS, the national system used to run background checks on gun purchases.

Supporters of the new law believe it will prevent certifiable mental cases from acquiring firearms at retail outlets. They believe that, at the same time, it provides and funds an acceptable way for the restoration of gun purchase rights in truly appropriate situations.

The new law requires various government agencies to comply with procedures for the restoration of firearms acquisition rights. It requires the government to notify individuals in advance regarding proceedings that could result in the loss of their firearms acquisition rights. It also requires the government to let individuals who have lost their gun acquisition rights know what they may do to promote the restoration of their rights.

However, the Act does not provide for a way to punish government authorities who do not act on a request for the restoration of firearms acquisition rights, who do not rectify false or erroneous records, who miss their deadlines for compliance, or who simply do not respond to complaints regarding their record keeping responsibilities.

The new law does not rectify the en masse denial on bureaucratic grounds, such as a diagnosis of a post traumatic stress disorder, without the current safeguards, of firearms acquisition rights of 140,000 veterans. The new safeguards include advance notice regarding rights denial, notice of an appeals process, and information that only a due process procedure before a court of law, along with a valid medical diagnosis, can lead to a proper decision.

Critics of the new law maintain that the massive distribution of federal money to states, along with threats of lost funding for failure to comply with federal regulatory provisions, amounts to a high-handed federal dictate to states to follow federal rules, with consequent damage to states' rights.

CCRKBA SPEAKS OUT IN DIFFERENT STATES

CCRKBA officials spoke out in several states recently in controversies involving the right of law-abiding American citizens to keep and bear arms.

In Michigan, for instance, CCRKBA Chairman Alan M. Gottlieb noted that after six years of expanded concealed carry in the state, the record speaks for itself:

"Michigan's armed private citizens have provided the evidence we knew would come," said Gottlieb. "Lawful concealed carry reduces crime and does not result in mass mayhem as the anti-self-defense crowd wanted us to believe. Six years ago, they pulled out all the stops, fabricated every dire prediction they could imagine, and essentially told lies about concealed carry and passed them off as truth, and too many in the media ate it up as if it were manna from Heaven."

A recent article in the *Detroit Free Press* revealed that, "The incidence of violent crime in Michigan in six years since the law went into effect has been, on average, below the rate of the previous six years. The overall incidence of death from firearms, including suicide and accidents, also has declined."

Mark Taff, CCRKBA Executive Director, noted that, "Anti-gun rights extremists established a track record for prevarication in state after state where they rabidly fought right-to-carry statutes, and in case after case, including Michigan, every one of their claims has been statistically refuted."

In Virginia, CCRKBA Legislative Liaison Joe Waldron blasted Gov. Tim Kaine for falling back on one of the oldest and most shoddy tactics in

the gun grabber playbook by using last April's Virginia Tech tragedy to launch an attack on gun shows when the crime had nothing to do with gun shows.

"Neither of the guns used by Virginia Tech killer Seung-Hui Cho was purchased at a gun show," Waldron noted. "Attacking some mythical 'gun show loophole' will do nothing to prevent criminals from getting their hands on guns illegally, because it has been shown statistically that criminals rarely get firearms at gun shows."

Waldron cited a study by the U.S. Department of Justice finding that less than one percent (0.7 %) of criminals imprisoned for using guns in crimes got their firearms from gun shows. The overwhelming majority got firearms from family, associates, or on the street. Gov. Kaine, however, wants to require background checks on all firearm transactions at gun shows, including private sales that are exempt under current federal statute.

"Virginia Tech was tragic," said Gottlieb, "but there was absolutely no connection with gun shows."

In Nebraska, CCRKBA Field Representative Timothy Tyrell announced support for an amendment proposed by State Sen. Mark Christensen to the state's concealed carry law. It would provide a residency exception to non-resident military personnel in the state.

Tyrell said the proposal would benefit service men and women who have taken an oath to defend the country, and want to have the means to defend themselves and their families while on duty in the Cornhusker State. He noted that

since Nebraska does not have a reciprocity or recognition provision in its concealed carry law, this change would allow members of the military to have the same ability to obtain a Nebraska permit, after 180 days of continued residence in the state.



POINT BLANK

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

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CCRKBA SUPPORTS BATFE REFORM BILL

"While many law-abiding American gun owners may wish to see the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) eliminated," commented John M. Snyder, CCRKBA Public Affairs Director, "there are ongoing congressional efforts to bring about some needed reforms in the agency and in the application of current federal firearms law.

"One of these, and one which we support, is the proposed Comprehensive Firearms Reform Act of 2007, a bipartisan measure introduced by Rep. Steve King of Iowa, a Republican, with Rep. Zack Space of Ohio, a Democrat, as original cosponsor."

Snyder said that, "one of the most important features of this bill is the provision for codification of limits on disclosure of firearms trace data. Each year, we face a legislative battle to preserve the integrity of this information. It is meant to be used and in fact is used exclusively for law enforcement investigation and prosecution purposes.

"We've worked so far successfully each year for inclusion of the Tiahrt Amendment in annual appropriations measures, so that gun grabbing mayors and other anti-gun politicians can't get their hands on the proprietary information and use it in harassing third party lawsuits against the firearms industry. H.R. 4900 would make permanent the substance of this provision. It would also prohibit the disclosure of information in FFL records outside of law enforcement agencies."

The bill, H.R. 4900, to reform BATFE, modernize firearms laws and regulations, and protect the community from criminals, has been referred to the House Committee on

the Judiciary, and in addition to the Committee on Ways and Means, for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Congressman Space said that the bill would make corrections to the BATFE's jurisdiction to help ensure that overzealous bureaucrats can't go after gun purchasers. BATFE regulations now are so restrictive, he indicated, that if a person writes a "y" instead of "yes" on a gun purchase form, the application is frequently rejected.

H.R. 4900 would permanently repeal a federal gun tax that can be imposed when a purchaser goes through a background check.

"I know what it means to be a responsible gun owner," said Rep. Space. "I am a strong advocate of responsible, legal gun ownership, and this legislation will make sure that we do not hinder the Second Amendment rights of law-abiding citizens while working to keep guns out of the hands of criminals. We can and will make it more difficult for criminals to get their hands on guns while making sure we protect the civil rights of Americans."

H.R. 4900 would rewrite the system of administrative penalties for licensed dealers, manufacturers and importers of firearms. At the present time, for most violations, BATFE can only give a federal firearms license (FFL) holder a warning, or totally revoke his license.

H.R. 4900 would clarify the standard for "willful" violations, allowing penalties for intentional, purposeful violations of the law, but not for

simple paperwork mistakes.

It would improve the process for imposing penalties, by allowing FFLs to appeal BATFE penalties to a neutral administrative law judge, rather than to a BATFE employee.

It would allow a licensee a period of time to liquidate inventory when he goes out of business.

H.R. 4900 would allow a grace period for people taking over an existing firearms business to correct problems in the records of the business. If a person inherits a family gun store, the new owner could not be punished for the previous owner's violations of recordkeeping regulations.

The bill would reform the procedures for consideration of federal firearms license applications. Denial of an application would require notification to the applicant, complete with reasons for the denial. In addition, an applicant would be allowed to provide supplemental information and to have a hearing on the application.

H.R. 4900 would require BATFE to establish clear investigative guidelines. It would clarify the licensing requirement for gunsmiths and distinguish between repair and other gunsmith work and manufacture of a firearm.

The bill would provide for the focusing of BATFE efforts on violations of firearms, explosives, arson, alcohol and tobacco laws, and not on broader areas such as gang or drug investigations.

H.R. 4900 would eliminate a provision of the Youth Handgun Safety Act requiring those under 18 to have written permission to use a handgun for lawful purposes even when a parent or guardian is present.

COURT CASE HIGHLIGHTS GUN CULTURAL DIVISION

"When the United States Supreme Court early next month convenes to hear arguments in the case of District of Columbia v. Heller, this most likely will focus national attention on one of the most significant manifestations of cultural division in our country today," John M. Snyder, CCRKBA Public Affairs Director, observed last month in Washington, D.C.

"At issue, really," he continued, "is whether or not the courts and the legal system generally will respect the individual civil right of a law-abiding American citizen residing in the Nation's capital city to keep a handgun in his or her own home."

"When a federal appellate court last year struck down a virtual D.C. ban on private handgun acquisition and possession, it declared the ban violated the Second Amendment right of an individual to keep and bear arms. Now, the Supreme Court has an opportunity to concur with the lower court's reasoning and eliminate finally the ban."

"The appellate decision," he added, "rested on a belief in the individual rights of individual citizens. It rejected the so-called 'collectivist' position that the Second Amendment contemplates only a 'collective' right of a militia, and an individual only as a member of a militia, to possess a handgun."

"The whole 'collectivist rights' position itself poses a philosophic

problem, since the basic concept of 'right' depends on the integrity of an individual as distinct from the authority of some kind of collectivity, state or otherwise. The whole 'collectivist rights' position upon which our opponents base their argument really is a political stance without a solid philosophic foundation."

Snyder said, "At root, what's at issue here is a difference, a striking, total difference in attitudes on the nature of the individual human being and the nature of the state, of government. We gun right enthusiasts base our belief, our conviction, on the value of the individual as independent of and superior to the value of the state."

"The opponents of the individual right to keep and bear arms who posit the authority of the state over the rights of individuals really are philosophically out of step with the entire system of thought upon which our society and, in a broader sense, western civilization itself, is based. That basis is the absolute value of the individual as a creature with God-given inalienable rights. Our ongoing struggle to preserve the individual's right to keep and bear arms really is a struggle to preserve the values upon which our society, our civilization itself, is based. Proponents of severe gun control measures argue, erroneously, that such severities are necessary to prevent crime, but these specious arguments just are convenient facades for what in reality are attacks on our civilization, our way of life itself."

Echoing this analysis of the struggle for gun rights as reflective of a deep cultural struggle, constitutional expert Professor Randy Barnett of Georgetown University Law Center said of that Heller case that "it's a clash of

cultures."

Barnett stated, "It's the culture of individual self-defense as a protection against crime versus the culture of collective defense brought to you by government police departments.

"On the one hand you have a culture of self-defense in which firearms enable us to protect ourselves. And on the other side, at least since the sixties, there has been a culture of using gun control to address the problem of violent crime. People who favor this think it's absolutely essential there be controls on the rights of people to keep and bear arms or that people should be denied that right altogether in the interest of preventing crime."

Even overseas observers see the court case as at least partially symptomatic of a deep cultural division. Jane O'Brien of BBC News, for instance, reported that, "Gun rights supporters say the issue goes much further than crime and self-defense and raises fundamental questions about the extent of government in the United States."

Ms. O'Brien cites Ben Meyer, an instructor at the Blue Ridge Arsenal in Virginia, as one who speaks up for our gun culture. "Guns may not be necessary for everyone," she quoted Meyer as stating, "but I don't think that the government should tell me I can't do something."

"I'm actually intelligent enough to make my own decisions, and that includes matters of my self-defense. What we're assuming, by restricting guns, is that a person isn't capable of handling one or that they are going to break the law, and I think that's a little bit ridiculous."

CCRKBA HITS ANTI-GUN COOK COUNTY PROPOSALS

CCRKBA encourages Members and Supporters throughout Illinois and in neighboring Michigan and Indiana to flood the Cook County, Illinois Board of Commissioners with phone calls and mail opposing proposed ordinances that would effectively put firearm dealers out of business and ban guns in the county.

Anti-gun Commissioners Larry Suffredin and William Beavers are honchoing this draconian attempt to undermine the right to keep and bear arms. Suffredin's proposed "Deadly Weapon Dealers" ordinance would ban gun shows in the county and prevent licensed firearm dealers from operating within 10 miles of each other. The proposed "Safe Streets and Weapons Registration" ordinance would require regis-

tion of all guns and gun owners in the county, and ban handguns that do not have loaded chamber indicators.

CCRKBA Chairman Alan M. Gottlieb says "these proposals are outrageous. Larry Suffredin and William Beavers are trying to legislate social bigotry against Cook County gun owners, many of whom are minorities. This is the same mentality that created apartheid in South Africa and condoned racism in the Deep South 50 years ago."

CCRKBA Executive Director MArk Taff noted that, "Suffredin is a board member of the Illinois Council Against Gun Violence, an extremist anti-gun rights group. He wants to become State's Attorney for Cook County. Considering his extreme attitude towards firearm owners,

instead of running for higher office, he should be thrown out of the one he now occupies. Cook County residents must not allow this man to force his personal prejudices on every citizen in the county through adoption of these ordinances."

Gun owners can contact Suffredin by calling his office at (312) 603-2067, or by sending him an e-mail at lsuffredin@cookcountygov.com. Beavers may be phoned at (312) 603-6383.

"We're joining with our friends at the National Shooting Sports Foundation, Illinois State Rifle Association and NRA to show the Cook County Commissioners that gun owners are voters and they have rights," says Gottlieb. "The era is long past when demagogues like Suffredin can tell members of any social group that 'your kind isn't welcome here.'"

CITIZEN ACTION PROJECT

With elections for state legislatures as well as for federal offices coming up later this year, it is important for you to establish contact with your state legislators, whether they are Democrat or Republican, pro-gun or anti-gun.

All gun owners need to write, e-mail or call their elected officials. Tell them you are concerned that while gun control may not have been on the state front burner in recent months, some elected officials may attempt to exploit a Democrat majority to further their own gun control agenda, and place freshman Democrats at risk. Gun control is a failed policy that does not reduce crime. In many cases, it encourages it by disarming law-abiding citizens.

A simple one-page letter, just three or four paragraphs, carries a lot of weight. The important thing is to mail that letter or send that e-mail. Ask them to keep you informed of pending gun control legislation. Then follow up with an occasional telephone call to the official's office. Most will have a staff member who handles gun issues. Get to know that person by name, and be sure they recognize your name. That personalizes the issue on both sides of the call.

Legislators' addresses and telephone numbers may be found in the government "blue pages" in the front of most telephone directories. This information also is available at your local library.

The National Conference of State Legislatures has links to all state legislatures from their home page at <http://www.ncsl.org>. Just click on "Legislatures" on the tool bar at the top of the page and select your state.

COLORADO HEROINE THE CCRKBA GUN DEFENDER

Jeanne Assam of Colorado Springs, Colorado is the CCRKBA Gun Rights Defender of the Month for February.

In nominating Ms. Assam for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "this woman, by her recent heroic defensive action in an extraordinarily difficult conflict situation, demonstrates that guns in the hands of good people are necessary for the defense of life. She certainly is most deserving of this Award."

It was just a couple of months ago that Jeanne Assam, 42, armed only with her handgun, courageously interrupted and stopped a one-man killing spree perpetrated by a madman armed in car and person with a Bushmaster XM15 rifle, an AK-47 rifle, a Beretta .40 cal. semiautomatic handgun, a Springfield Armory 9mm semiautomatic handgun, and over 1,000 rounds of ammunition.

On one Sunday, when a number of Americans participate in church services of various denominations, Matthew Murray, 24, reportedly shot and killed two people on the Faith Bible Church campus in Arvada, Colorado and wounded two others in the morning.

Murray then moved on to New Life Church in Colorado Springs where he shot and killed two other people and wounded two more.

It was at that point that Jeanne Assam demonstrated her heroism.

"There was chaos," Assam said, as parishioners ran away. "I will never forget the gunshots. They were so loud."

Assam said, "I saw him coming

through the doors" and took cover. "I came out of cover and identified myself and engaged him and took him down."

Assam, a private citizen with a permit to carry a concealed firearm, was acting as a volunteer guard at the church that Sunday. Police said later that Murray had fired 26 rounds from his Bushmaster rifle and one round from the Springfield 9mm. They said Assam fired 10 rounds at Murray and that Murray subsequently took his own life.

"God was with me," said Assam. "I didn't think for a minute to run away."

Assam said she believes God gave her the strength to confront Murray, keeping her calm and focused even though he appeared to be twice her size and was more heavily armed.

Sgt. Jeff Johnson of the Colorado Springs Police Department confirmed that, at the time of the actual encounter, Murray was carrying two handguns and a rifle.

Assam said, "It seemed like it was me, the gunman and God."

She said, "I was given the assignment to end this before it got much worse. I just prayed for the Holy Spirit to guide me. I said, 'Holy Spirit, be with me.' My hands weren't even shaking."

When the gunman entered New Life Church, she said, she took cover and drew spiritual and physical strength from her religious faith.

At the present time, Assam works for a ministry.

At New Life Church, she attends one religious service on Sundays and volunteers as a guard at another

service.

Formerly a police officer, Assam said that she had pulled her gun several times in the course of her job but never had to fire at anyone.

About 10 years ago, Assam was a police officer in Minneapolis, Minnesota who was fired for lying during an internal investigation. Sgt. John Delmonico, President of the Police Federation of Minneapolis, said police were investigating a complaint that Assam swore at a bus driver in connection with an incident on a city bus. "In giving a statement about the incident, she was untruthful and she was fired," Delmonico said. The swearing was on tape, he said. "The union arbitrated the case and the arbitrator upheld the termination."

That 10-year old incident did not bother officials at New Life Church. Pastor Brady Boyd said Jeanne Assam's license to carry a gun and her experience at other police departments had persuaded leaders to let her serve as a volunteer security guard at the Colorado Springs church.

"She is a fairly new believer in Christ," Pastor Brady said of Assam and her Minneapolis background. "If you go back into pasts, you can dig up something on any of us. She admittedly made lots of bad decisions but only in the past few months has she become a devoted follower of Christ. Her life has changed. She was let go, but that happens every day to good people. I don't want her to be convicted or crucified for being a heroine. That's way a lot of people don't get involved. She did the right thing at the right time."

QUICK SHOTS

Ninety-seven percent of over half a million participants in a currently ongoing USA TODAY internet survey believe that individuals under the Second Amendment enjoy an individual right to bear arms. By mid-January, 530,000 responses to the poll had been recorded. To the question, "Does the Second Amendment give individuals the right to bear arms?" 97 percent answered "yes," two percent answered "no," and one percent were "undecided." Readers of Point Blank who may wish to participate online in the survey could bring up the following on their computer: <http://www.usatoday.com/news/quickquestion/2007/november/popup5895.htm>.



CCRKBA Chairman Alan M. Gottlieb last month applauded the recent unanimous ruling by the District of Columbia Court of Appeals that dismissed a lawsuit against 25 gun manufacturers filed by the district and families of nine victims of crime perpetrated in the city with the use of firearms. The lawsuit was filed in January 2000 but according to the opinion written by Associate Judge Michael William Farrell, the Protection of Lawful Commerce in Arms Act of 2005 required the court to dismiss the case. Gottlieb said the ruling was proper, and recalled that it was municipal lawsuits such as this which led to enactment of the federal legislation in the first place. "We're proud of the tenacity shown by American firearm makers, and

their refusal to be bullied by this kind of legal harassment," he stated.



Anti-gun New York City Mayor Michael Bloomberg targeted firearms in full-page advertisements he placed in newspapers in certain states hosting 2008 presidential delegate selection contests. Bloomberg funded two full-page ads in *The Des Moines Register* in Iowa and the *New Hampshire Union Leader* to promote his anti-gun coalition, reported the New York *Daily News*. The ads cost the billionaire mayor \$22,203, according to the newspaper. They feature him and a host of other anti-gun mayors in his non-profit group, Mayors Against Illegal Guns. "Where do the presidential candidates stand on gun control?" ask the ads.



In a unanimous decision early last month, the California Court of Appeals ruled that the handgun ban enacted by the City of San Francisco is illegal under state law, upholding a lawsuit filed by the Second Amendment Foundation and several other groups. "This is a great day for gun owners and civil rights in California," said CCRKBA Chairman Alan M. Gottlieb, Founder of the Foundation. "This is the second time we successfully fought a gun ban in San Francisco, and what this demonstrates is that the city's leadership is as horribly out of touch with the law as it seems

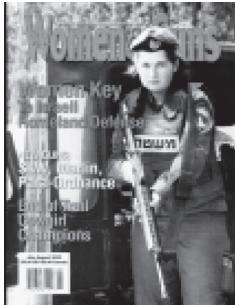
to be out of touch with reality." The court held that Proposition H, approved by voters in November 2005, is invalid as preempted by state law. "We urged the city well in advance to drop Proposition H from the 2005 ballot," said Gottlieb.



"Arming pilots is not a new idea," notes Captain Tracy Price, an airline pilot for more than 20 years who now is Vice President of the Passenger Cargo Security Group and advocates a return to the pre-ban system. "Airline pilots flew armed in large numbers from the dawn of commercial aviation to 1987 with no record of incident. When the federal government disarmed pilots in 1987, many pilots predicted cockpit takeover attempts – including the late Captain Victor Saracini, who, in horrible irony, was the captain of United flight 175 on September 11, 2001 when his Boeing 767 was hijacked and crashed into the South Tower of the World Trade Center. It was the disarming of pilots in 1987 that inevitably led to the September 11 cockpit takeovers...If we disarm pilots, the specter of September 11-style hijackings may well resurface. It is human nature to become complacent as the years pass since September 11, but complacency is a luxury airline pilots cannot afford. Arming airline pilots is safe, fundamentally important, and highly cost-effective. How many government programs can make that claim?"



Publications from the *Second Amendment Foundation:*



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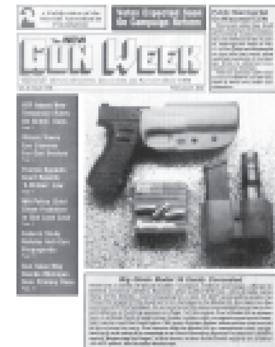
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The Gottlieb-Tartaro Report:

Here's a monthly newsletter that gives you inside gun-rights information from the desks of active principals in the battle for the right to keep and bear arms. The 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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