

POINT BLANK

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



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IN THIS ISSUE

Kennedy's Micorstamping Plan	1
Around the States	2
BATFE Reform	3
Heller Update	4
Cook County Gun Grab	5
Citizen Action Project	5
Defender of the Month	6
Quick Shots	7

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CCRKBA BLASTS KENNEDY MICROSTAMPING PROPOSAL

"With his latest anti-gun proposal, Sen. Edward M. Kennedy once again has emerged from his cave to spew forth yet another round of venom in his campaign to undermine if not eliminate the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms," said John M. Snyder, CCRKBA Public Affairs Director, in response to the Senator's move to require microstamping of semiautomatic handguns.

Kennedy's proposal, S. 2605, would prohibit a Federal Firearms Licensee from manufacturing, importing or transferring a semiautomatic pistol unless the handgun is capable of microstamping ammunition. It was referred to the Senate Judiciary Committee.

Microstamping involves the use of laser technology to engrave a microscopic marking onto the tip of the firing pin and onto the breech face of a firearm. When the gun is fired, these etchings are transferred to the primer by the firing pin and to the cartridge case by the breech face, using the pressure created when a round is fired. After the spent cartridges are ejected, argues Kennedy, these microscopic markings are imprinted on the cartridges, which then can be recovered and examined to obtain information to be used to trace the firearm to the purveyor of the crime.

"However," said Snyder, "what if a criminal is not so stupid and does not leave a cartridge casing lying around after the perpetration of a crime? The object of this proposal, in my opinion, really is to drive up the cost of semiautomatic handguns, thus making it more and more difficult for law-abiding people of more limited economic resources from being able to defend themselves and their families from violent criminals. It is part of a long-range piece by piece scheme to disarm gradually the American public by putting more and more synthetic legislative roadblocks between the people and the people's ability to exercise their right to self-defense.

"The facts are that microstamping repeatedly has failed in tests; microstampings are easily removed by removal of firing pins and serial numbers easily can be obliterated with household tools; most criminals who use guns get them through unregulated channels and a number of handguns, such as revolvers, do not eject fired cartridge cases in the first place."

Snyder said that, "although Congress should reject this idiotic idea, it does have a companion proposal, H.R. 5266, by Rep. Xavier Becerra (CA), with Reps. John Conyers (MI), Rahm Emanuel (IL), Carolyn McCarthy (NY), Harry E. Mitchell (AZ) and Charles B. Rangel (NY) listed as original cosponsors.

"We urge Point Blank readers to contact their U.S. Representative and both of their U.S. Senators and ask them to oppose S. 2605/H.R. 5266."

CONGRESSIONAL PRO-GUNNERS KICK IN WITH SUPREME COURT

As developments continued to occur in the Second Amendment case now before the United States Supreme Court, District of Columbia v. Heller, congressional pro-gun advocates in both the U.S. Senate and House of Representatives took action to convey the right to keep and bear arms message to the high court.

In the Heller case, set for argument this month before the Supreme Court, the court has the opportunity to affirm an appellate court ruling that the District of Columbia ordinance virtually banning private handgun acquisition and possession is an unconstitutional violation of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

The congressional developments transpired as an ongoing USA Today internet poll indicated that 97 percent of over 650,000 survey respondents nationwide believe the Second Amendment indeed guarantees an individual arms right. (www.usatoday.com/news/quickquestion/2007/november/popup5895.htm)

In the Senate, Sen. Kay Bailey Hutchison of Texas gathered congressional signatures from the President of the Senate, Vice President Dick Cheney and over half of the Senators and Representatives for an amicus brief, or "friend of the court" brief. Sen. Hutchison notes that in the Heller case, several District of Columbia residents have challenged the district's laws that prohibit handgun ownership and also armed home self-defense.

Her brief calls attention to the many occasions from 1866 to 2005 in which Congress has spoken in favor of the Second Amendment as protecting

the rights of individuals and has taken action to protect those rights by law.

Point Blank readers could assist Sen. Hutchison by contacting their Representative and both of their Senators and urging them to sign on to her amicus brief.

In the House of Representatives, Congressman Virgil Goode of Virginia, a CCRKBA Congressional Advisor, has written President George W. Bush asking him to withdraw an amicus brief in the Heller case filed with the Supreme Court by U.S. Solicitor General Paul D. Clements.

In that Administration brief, Clements, although endorsing the view that the Second Amendment recognizes an individual right to keep and bear arms, argued that the appellate court used the wrong standard when it struck down the D.C. ban on private handgun ownership, and urged the Supreme Court to return the case to the lower court for review. If that were to happen, it might necessitate years of litigation over the meaning of the Second Amendment.

In his letter to the President, Rep. Goode wrote that, "your Solicitor General has just filed a brief with the U.S. Supreme Court in the D.C. v. Heller case arguing that the categorical gun bans of virtually all self-defense firearms are constitutional if a court determines they are 'reasonable' – the lowest standard of constitutional review.

Congressman Goode is asking other Members of Congress to join with him on a letter urging President Bush to correct this potentially disastrous action on the part of the Justice Department.

CCRKBA Members and Supporters

could assist in this effort by contacting their own U.S. Representative and urging him or her to contact Congressman Goode and sign on to this letter to the President. Congressman Goode is asking other Members of Congress to join with him on a letter urging President Bush to correct this potentially disastrous action on the part of the Justice Department.



POINT BLANK

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

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CCRKBA HITS LATEST ANTI-GUN SHOW BILL

“Still grasping for whatever straws they can get their hands on, the gun grabbers recently came up with their latest version of their anti-gun show bill in their ongoing attempt to do whatever they can to undermine the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms,” John M. Snyder, CCRKBA Public Affairs Director, noted. “Obviously,” he added, “we intend to fight them tooth and nail on this.”

Anti-gun Sen. Frank Lautenberg of New Jersey introduced this latest version, S. 2577, with 10 original cosponsors, and short-titled it the Gun Show Background Check Act of 2008. It was referred to the Senate Judiciary Committee.

The bill would define “gun show” as an event at which 50 or more firearms are offered for sale; and at least 20 percent of the exhibitors display firearms or there are not fewer than 10 firearm exhibitors; or 50 or more firearms are offered for sale, transfer or exchange.

S. 2577 would define “gun show promoter” as anyone who organizes, plans, promotes or operates a gun show.

It would define “gun show vendor” as any person who exhibits, sells, offers for sale, transfers or exchanges one or more firearms at a gun show, whether or not the person operates from a fixed location at the gun show.

The bill would require gun show promoters to register with the U.S. Attorney General, with controlling regulations and registration fee to be determined by the Attorney General.

S. 2577 would require of promoters

identity verification with government issued photo identification of every vendor; maintenance of a record of all vendors; and notification of all attendees of the regulations.

S. 2577 would require all firearm transfers at the gun show to be processed by a Federal Firearms Licensee (FFL); require all FFLs to maintain a separate bound record of all firearms transferred at the request of a non-licensee; require all FFLs, in addition to the bound record of gun show transfers, to complete a separate form as prescribed by the Attorney General; and require all FFLs to submit such reports to the Attorney General within 10 days of a gun show.

The bill would provide for criminal penalties of up to five years in prison and/or fines up to \$10,000 for violations of the provisions. It would take effect 180 days after enactment.

As Joe Waldron, CCRKBA Special Projects Director, points out, “anyone who enters the show with a firearm must be recorded as a vendor. In addition, anyone who acquires a firearm at the gun show should be recorded as a vendor in the event that individual decides to resell or trade said firearm at the show.

“S. 2577 would require all transfers to go through an existing FFL. It also would require these FFLs to maintain separate records of firearms processed at a gun show for non-FFLs (private sales/trades). A report of these transfers must be made to the Attorney General within 10 days of the gun show. The report may not include identifying information about the transferee.”

Waldron noted that, “one significant area the bill leaves silent is

exactly how a ‘private’ transfer is to be accomplished. Under current law, an FFL must take into his or her inventory and record identifying data about the firearm and the seller. Similar information is required when the firearm is delivered to the buyer. What would happen under S. 2577 if the buyer subsequently is determined to be disqualified under federal law? Presumably the firearm is returned to the seller. Is a background check on the seller then required? What if that individual fails the background check? Does the FFL get a windfall? Does the FFL get to purchase the firearm at an amount to be determined by the FFL?”

Waldron recalled that, “according to a study conducted by the Bureau of Justice Statistics and reported in 2001, fewer than one percent (0.7%) of firearms possessed by felons were obtained at gun shows, 1.7 percent were obtained at flea markets, and 8.3 percent were obtained at gun shops, where background checks are already required, in addition to an additional 3.8 percent obtained at pawn shops, which also require background checks under current law.

“It appears S. 2577 would create another federal bureaucracy, with severe penalties imposed for technical violations, in order to interdict at most less than one percent of illegal transfers. On the other hand, S. 2577 would have a significant dampening effect on gun show promoters and attendees.”

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FIREARM RIGHTS & THE PRESIDENTIAL ELECTION

(Editor's note: The author of this analysis, Don B. Kates, Jr., a former CCRKBA Gun Rights Defender of the Month, is a criminologist and constitutional lawyer who is a Research Fellow with the Independent Institute in Oakland, California.)

San Francisco's First District Court recently struck down that city's two-year-old law that confiscated all handguns and rendered all other guns useless by banning ammunition sales. On March 9 of last year, a federal court of appeals invalidated District of Columbia laws that banned handguns and precluded keeping any gun for defense in the home. That case now is in the Supreme Court, which many expect will hold that such laws violate the Constitution's guarantee that law-abiding, responsible adults may have guns to defend their homes and families.

Ironically, though these laws represent the ultimate goals of the gun "control" (actually gun ban) movement, they epitomize that movement's downfall. For Democratic candidates, an Eleventh Commandment has evolved: "Don't mention guns" – while formerly anti-gun Republicans Romney and Giuliani now declare themselves faithful advocates of gun rights.

Democratic politicians are well aware that (as Bill Clinton himself says) congressional Democrats' anti-gun efforts caused the 1994 voter revolt which – for the first time in 50 years – gave Republicans control of both houses of Congress. Democrats regained Congress in 2006 because of the unpopularity of the Iraq war, but generally the Democratic victors said nothing about guns or openly declared their support for gun rights.

Preceding or accompanying these developments, some 40 states now require that permits to carry concealed handguns be issued to any trained, law-abiding, responsible, adult applicant. A 25-year study of crime rates credits these laws for the 1990s' vast reduction in violent crime: Criminals, unclear on who is armed, are afraid to attack. Instead they turn to less dangerous crimes, such as burglarizing unoccupied homes. These conclusions are controversial, though other studies have confirmed them. One thing is beyond doubt, however: Contrary to what anti-gun advocates predicted, after 5,000,000 carry permits have been issued, violent crime has dropped dramatically – and virtually no gun-related crimes have been committed by ordinary people with carry permits.

The result has produced a sea change in criminological opinion. As a young criminologist, Professor Hans Toch of the State University of New York believed that "reducing the availability of the handgun will reduce firearms violence." Thirty years of research later, he repudiated that: "When used for protection firearms can seriously inhibit aggression and can provide a psychological buffer against the fear of crime. Furthermore, the fact that national patterns show little violent crime where guns are most dense implies that guns do not elicit aggression in any meaningful way. Quite the contrary, these findings suggest that high saturations of guns in places, or something correlated with that condition, inhibit illegal aggression." [Toch, "Research and Policy: The Case of Gun Control," in *Psychology and Social Policy*, edited by Peter Sutfield and Philip Tetlock (NY Hemisphere, 1992).]

Likewise, Professor David Mustard

wrote recently in the *University of Pennsylvania Law Review*: "When I started my research on guns in 1995, I passionately disliked firearms... [But research has convinced me that]... laws that require [gun carry] permits to be granted unless the applicant has a criminal record or a significant mental illness reduce violent crime and have no impact on accidental deaths." [David B. Mustard, "Culture Affects Our Beliefs About Firearms, But Data Are Also Important," 151 *U. Penn. L. Rev.* 1387 (2003).]

Modern criminological research confirms the wisdom of our Founding Fathers, who gave us our Constitution's guarantee that all law-abiding, responsible adults may have guns for defense of their homes and families. As Thomas Paine put it: "The peaceable part of mankind will be continually overrun by the vile and abandoned while they neglect the means of self-defense. The supposed quietude of a good man allures the ruffian; while on the other hand, arms like laws discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property... Horrid mischief would ensue were one [good people] deprived of the use of them;... the weak will become a prey to the strong." [Writings of Thomas Paine 56 (M. Conway ed. 1894).]

The issue of national defense is helping fuel the 2008 presidential election. But individual defense, in certain candidates' campaign speeches, is not only easily overlooked, but judging by political history, its avoidance actually may be in the candidates' best interest.

CCRKBA SUPPORTS CCW PARKS LEGALIZATION MOVE

CCRKBA last month urged gun owners to back legislation sponsored by Sen. Tom Coburn of Oklahoma that would enable private citizens to carry defensive firearms in national parks.

"This is responsible, sensible legislation," said CCRKBA Chairman Alan M. Gottlieb, "and it is a genuine shame that the Public Employees for Environmental Responsibility (PEER) has mounted a campaign to derail this important effort.

"PEER issued an alarmist press release that mirrors hysteria currently being pandered by the Brady Campaign to Prevent Gun Violence about Coburn's proposed amendment to S. 2483, the proposed National Forests, Parks, Public Land and Reclamation Projects Act of 2007. Their specious argument is that allowing legally

licensed private citizens to carry concealed, defensive firearms inside national parks would contribute to poaching and open the door to sport hunting. That is a pretty flimsy sham to cover their real objection, which is against American citizens exercising their right of self-defense in an emergency on national park property."

Gottlieb, co-author of *America Fights Back: Armed Self-Defense in a Violent Age*, noted that an entire chapter of that book is devoted to rising criminal activity in national parks and on national forest lands.

"PEER and their soul mates at the Brady Campaign want to continue operating national parks as victim disarmament zones," Gottlieb observed. "American citizens do not leave their right of self-defense, not

to mention their constitutional right to keep and bear arms, at the gates of a national park, but under current regulations, one-tenth of the Bill of Rights is suspended on national park property, and that cannot be allowed to continue.

"For too many years, the National Park Service has been allowed to suspend the Second Amendment on lands it manages. But those lands are public lands, and they belong to all of us, not just to some anti-gun park service bureaucrats, PEER gun control advocates or the Brady Campaign. It's time for the Coburn Amendment to become law."

Point Blank readers could contact both of their U.S. Senators and ask them to contact Sen. Coburn and offer their support for his amendment.

CITIZEN ACTION PROJECT

The presidential election well could turn out to be the most important election for America's tens of millions of law-abiding gun owners in decades. The next President probably will appoint one or more U.S. Supreme Court justices who may rule on gun rights cases for decades to come. The next President will be in a position to sign federal gun legislation into law or to veto it. Will the candidates sign or veto nationwide concealed carry? How about legislation to close the mythical "gun show loophole?" What about so-called "assault weapon" legislation to ban all or most semiautomatic rifles, shotguns and handguns?

Or worse still, will the next President actually propose gun ban bill for Congress to pass?

Now is the time for law-abiding gun owners to contact each and every remaining declared presidential candidate to insist that they sign the CCRKBA 2008 Presidential Gun Rights Pledge to, if elected: "neither seek, support or sign any legislation to renew or expand the ban on so-called 'assault weapons' and veto any such measure coming to my desk; not support or sign any legislation designed to close a mythical 'gun show loophole;' but support efforts to expand concealed carry by law-abiding American citizens and sign legislation that would require all states to honor the concealed carry licenses issued by other states or face loss of federal funding; and nominate strict constructionist judges to the federal bench, including the U.S. Supreme Court should a seat there become vacant.

The campaigns of the remaining presidential candidates may be contacted as follows: Hillary Clinton, 703-469-2008, <http://www.hillaryclinton.com/help/contact>; Barack Obama, 312-819-2008, <http://barackobama.com/page/s/contact2>; Mike Huckabee, 501-324-2008, information@explorehuckabee.com; John McCain, 703-418-2008, into@mccain08hq.com; Ron Paul, 703-248-9115, <http://www.ronpaul2008.com/contact/form>.

A sample pledge form is available at <http://www.saf.org/sample.2008.presidential.gun.rights.pledge.pdf>.

TOP LEGAL GUN THE CCRKBA DEFENDER

Alan Gura, the counsel of record for the pro-gun side in the gun case being argued this month before the United States Supreme Court, is the CCRKBA Gun Rights Defender of the Month for March

In nominating Gura for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "in this landmark case, Alan has been the public leader of the charge in the lower courts, through the Appellate Court and now all the way up to the U.S. Supreme Court.

"The whole development is a tribute to his dedication and persistence as well as to his professional competence. He has taken a tremendous responsibility on his shoulders, in effect becoming the spokesman before the Supreme Court not only for the rights of law-abiding Washington, D.C. residents, but indeed also for the individual Second Amendment civil right of all law-abiding American citizens to keep and bear arms. We wish him well. He is in our prayers as he carries forward the banner of freedom. He most certainly deserves this Award as a sign of our appreciation for his efforts on behalf of our rights."

In the case up for consideration by the Supreme Court, *District of Columbia v. Heller*, Alan Gura, along with his associates and supporters, maintains that the District of Columbia gun law virtually banning private handgun acquisition and effectively prohibiting the availability of firearms for purposes of self-defense is an unconstitutional violation of the Second Amendment right to keep and bear arms.

In a recent analysis of the case, known originally as *Parker v. Dis-*

trict of Columbia, Gura stated that, "Fear and disinformation have long been the hallmarks of the movement to end private gun ownership. Not surprisingly, the D.C. Circuit's decision in *Parker v. District of Columbia*, confirming that people have an individual right to keep and bear arms, has elicited outrageous predictions of doom from gun prohibitionists. The Violence Policy Center's Josh Sugarmann neatly summed up the hysteria in warning that *Parker* 'may mark the beginning of a long, national nightmare from which we will never recover as a nation.'

"Allow me to offer a more optimistic view: *Parker* not only marks the beginning of the end of gun prohibition, it might also reverse the erosion of our individual rights by re-enforcing the primacy of judicial review and preventing sophists from defining rights out of existence."

Alan Gura pointed out that, "Most Americans are not Second Amendment absolutists, in either the negative or positive sense of the term. We tend to appreciate the individual right to arms without excessive regulatory harassment, understanding the value that firearms provide in securing individuals from violent criminal predation and precluding a dangerous government monopoly on force. We likewise understand that not all weapons should be possessed by all people at all times.

"In practical terms, *Parker*'s correct interpretation of the Second Amendment – a cherished individual right which, like all other rights, is subject to some measure of regulation – happily coincides with the public's appreciation of constitutional liberty...*Parker* means merely that courts will evaluate

gun laws the same way that courts review laws touching upon other constitutional rights: by balancing the fundamental individual right at stake against the purported regulatory interest."

Gura's law practice focuses primarily on civil and appellate legislation, with an emphasis on intellectual property, constitutional law, and civil rights.

Prior to founding Gura and Possessky, PLLC, Gura began his career by serving as a law clerk to the Honorable Terrence W. Boyle, United States District Judge for the Eastern District of North Carolina. Subsequently, as a Deputy Attorney General for the State of California, Gura defended the State of California and its employees from all manner of lawsuits, in state and federal courts, at trial and on appeal. Thereafter, Alan entered the private practice of law with the Washington, D.C. offices of Sidley and Austin. In February 2000, he left the firm to serve for a year as Counsel to the United States Senate Judiciary Committee, Subcommittee on Criminal Justice Oversight.

Alan Gura is admitted as an active member in good standing in the District of Columbia Bar, the Virginia State Bar, and the State Bar of California. He also is admitted to practice before the United States Supreme Court, the United States Courts of Appeals for the Second, Fourth, Fifth, Sixth, Ninth, Eleventh, Federal and District of Columbia Circuits; and the United States District Courts for the District of Columbia, the Eastern District of Virginia, and the Central, Southern, Eastern and Northern Districts of California.



QUICK SHOTS

CCRKBA recently filed an amicus curiae brief with the U.S. Supreme Court in the case of District of Columbia v. Heller. The brief calls upon the high court to affirm an appellate court ruling that the D.C. gun law prohibiting citizens from having handguns even in their own homes violates the Second Amendment individual right to keep and bear arms. "Our 53-page brief is tightly written," noted CCRKBA Chairman Alan M. Gottlieb, "and it refutes contentions by the District and anti-gun rights organizations that the Second Amendment is written exclusively for the common defense, and only applies to military service. The brief, which can be read on our website at www.ccrkba.org, goes right to the heart of this case, and essentially dismantles every specious claim by anti-gunners about the intent of the Second Amendment."

CCRKBA mourns the recent death of John Hosford, former CCRKBA Executive Director, and the longtime Resolutions Committee Chairman at the annual national Gun Rights Policy Conference. He died in his sleep at age 62 while visiting at his son's home in Washington State. A retired police officer who served with the King County, Washington Sheriff's Department, and a former Marine, Hosford served on the Board of Directors of the Washington Arms Collectors and chaired that organization's legislative committee. After leaving CCRKBA, he worked for a time for the National Rifle Associa-

tion in Washington, D.C. and then for the Law Enforcement Alliance of America. The family requests that donations to John's memory be made to either CCRKBA or NRA.

CCRKBA staff reports that the Washington State House Judiciary Committee voted early last month to strip the state's gun owners of the right to trial by jury. For nearly 50 years, state citizens have had the right to a jury trial with a standard of "clear, cogent and convincing evidence" before losing their right to bear arms due to being involuntarily committed for an alleged mental health illness. House Bill 3095, by Committee Chairwoman Pat Lantz, effectively removes these protections by stripping citizens of their right to bear arms, perhaps permanently, after being involuntarily committed for a mere 14 days. Taff said "it is inexcusable to deprive Washingtonians of the fundamental right to a jury trial and a reasonable standard of guilt."

A major credit card company has issued a letter to a gun dealer, CDNN Sports Inc. of Abilene, Texas, canceling his payment processing services because of corporate concerns firearms were being sold to consumers in other states, in "a non face-to-face environment."

In reaction, the National Shooting Sports Foundation wrote to First Data Corporation, which operates Citi Merchant Services, that "your anti-gun corporate policy is based on ignorance of the law applicable to firearms... It is perfectly legal, in fact commonplace, for a federal firearms licensee in one state to sell a firearm to a non-licensee (consumer) from another state. What you fail to appreciate is that the firearm is not shipped in interstate commerce directly to the consumer. Rather, as required by federal law, the firearm is shipped by the selling licensee to another federal firearms licensee in the state of residence of the consumer... The consumer acquires the firearm from that licensed dealer in a face-to-face transaction."

In Kentucky, State Rep. Bob Damron of Nicholasville and 60 cosponsors are behind his bill that would allow people who park their locked vehicles on public university property to keep a legally registered firearm in their vehicle. The bill, HB114, would require that universities, colleges and postsecondary institutions comply with current law in this regard. The University of Kentucky bans guns on campus. UK spokesman Jay Blanton said the University wants to retain its authority to set its policy. Rep. Damron said that, "I've heard two or three people who work at UK who are concerned that they're in violation of UK policy because they keep a gun in their car for their public safety."

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Publications from the Second Amendment Foundation:



Women & Guns:

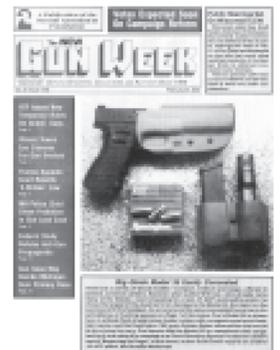
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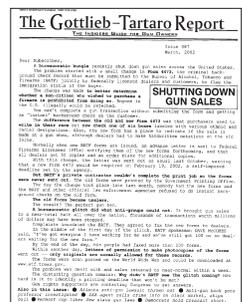
At last, an academic journal dedicated to scholarly discussion of firearms and public policy! The JOURNAL OF FIREARMS AND PUBLIC POLICY has published annually since 1989. Its mission: to encourage objective research on the right to keep and bear arms, and explore America's Constitutional heritage to 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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