

# POINT BLANK

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



**August  
2009**  
Volume XXXIV No. 8

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

*(a non-profit corporation)*

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## **SENATE REJECTS CCW NATIONAL RECIPROCITY**

Although well over a bi-partisan majority of the 100-member United States Senate late last month voted in favor of a measure to provide interstate recognition of state issued permits authorizing the right to carry concealed firearms, the measure did not pass. It fell two votes short of the 60 votes needed because of a prior agreement reached by Senate negotiators.

When the Senate was considering S. 1390, the proposed National Defense Authorization Act, Sens. John Thune of South Dakota and David Vitter of Louisiana, both former CCRKBA Gun Rights Defenders of the Month, offered an amendment providing that individuals with ccw permits from their home state, or who otherwise are allowed to carry a firearm in their home state, could carry in any other state that issues ccw permits, without a separate permit, as long as certain specifications were followed.

Anti-gun Senators were outraged with the Thune-Vitter proposal. Sen. Charles Schumer of New York announced that he would filibuster the amendment. Sens. Dianne Feinstein of California, and Frank Lautenberg and Robert Menendez of New Jersey also vigorously opposed the proposal.

In order to avoid a filibuster, the block of which requires 60 votes, Senators agreed that the Thune-Vitter ccw amendment would be added to S. 1390 if it received 60 votes. The Senate voted for the amendment by a vote of 58-39. However, since the 58 votes were two votes short of the 60-vote threshold upon which the Senate had agreed, the proposal was rejected.

Following the close but disappointing vote, Sen. Thune said, "Today, overheated rhetoric and fear mongering overcame common sense. My amendment would allow responsible firearms owners to protect themselves while obeying the firearms laws of the states they visit. The individual right to self-defense should not end at the state line. Despite today's defeat, this amendment has bi-partisan support and I hope the Senate will reconsider this important issue in the future."

The Thune-Vitter amendment would have allowed individuals with a state permit to carry a concealed weapon to carry in all 48 states that allow concealed weapons, reported Reuters. According to that news service, 37 states have reciprocity agreements that recognize permits issued elsewhere.

Overall, 20 Democrats joined 38 Republicans in voting for the amendment, while 35 Democrats, two Republicans and two independents opposed it.

"Even though we came out with the short end of the stick on this one," observed John M. Snyder, CCRKBA Director of Publications and Public Affairs, "we are not discouraged. The fact is that a majority, a clear, bi-partisan majority, of the United States Senate voted for national ccw reciprocity. We're not giving up. We're going to push forward."

# CCRKBA OUTSPOKEN AGAINST SOTOMAYOR

CCRKBA Chairman Alan M. Gottlieb was one of the nation's leading gun rights activists who joined in signing a letter to every U.S. Senator opposing the confirmation of Judge Sonia Sotomayor as an associate justice of the U. S. Supreme Court.

"It is extremely important that a Supreme Court justice understand and appreciate the origin and meaning of the Second Amendment, a constitutional guarantee permanently enshrined in the Bill of Rights," stated a letter from the pro-gun group. "Judge Sotomayor's record on the Second Amendment causes us grave concern about the treatment of this enumerated Constitutional right."

Joining Gottlieb as letter signers were Joseph P. Tartaro, President of the Second Amendment Foundation; Sandra S. Froman, former president of the National Rifle Association; Gene Hoffman, chairman of the CALGUNS Foundation; several former or current National Rifle Association directors; Robert Corbin, former Arizona attorney general and past NRA president; Jim Wallace, executive director of the Gun Owners' Action League in Massachusetts; John T. Lee, president of the Pennsylvania Rifle and Pistol Association; Tom King, president of the New York State Rifle and Pistol Association; Robert E. Sanders, former assistant director of law enforcement for the federal Bureau of Alcohol, Tobacco, Firearms and Explosives; Tom Gresham, host of Gun Talk; and a number of others.

Gottlieb and the others wrote that, "The Supreme Court is almost certain to decide next year whether the Second Amendment applies to states and local governments, as it does to the federal government."

They stated that, "While on the Second Circuit, Judge Sotomayor revealed her views on the right to keep and bear arms in *Maloney v. Cuomo*, a case decided after *Heller*, yet holding that the Second Amendment is not a fundamental right, that it does not apply to the states, and that if an object is 'designed primarily as a weapon' that is a sufficient basis for total prohibition even within the home. Earlier in a 2004 case, *United States v. Sanchez-Villar*, Sotomayor and two colleagues perfunctorily dismissed a Second Amendment claim holding that 'the right to possess a gun is clearly not a fundamental right.' Imagine if such a view were expressed about other fundamental rights guaranteed by the Bill of Rights, such as the First, Fourth and Fifth Amendments."

Gottlieb explained that, "Our nation stands at a point in history where we either defend all civil rights, or begin to surrender them one by one until none are left. It would be unconscionable to stand silently by as the Senate deliberates confirmation of a new associate justice with such evident disregard for a key tenet, if not the critical element, of the Bill of Rights."

Realizing that the Supreme Court's vote last year affirming the individual right to keep and bear arms in *District of Columbia v. Heller* was 5-4, the group noted that, "The Second Amendment survives today by a single vote in the Supreme Court. Judge Sotomayor has already revealed her views on the right to keep and bear arms and we believe they are contrary to the intent and purposes of the Second Amendment and Bill of Rights."

Gottlieb wrote that, "In two 7<sup>th</sup>

Circuit cases, *NRA v. Chicago* and *McDonald v. Chicago*, the court indicated that the question of Second Amendment incorporation should be answered by the high court...

"The highest court in the land, and the American people, cannot afford to seat an ideologue who believes that legislating from the bench is acceptable, and rejects one-tenth of the Bill of Rights."



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

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**POINT BLANK** is published monthly by Citizens Committee for the Right to Keep and Bear Arms, Liberty Park, 12500 N.E. Tenth Place, Bellevue, Washington 98005.

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Correspondence and manuscripts should be sent to **POINT BLANK**, CCRKBA, 12500 Connecticut Ave., N.W., Suite 200, Washington, D.C. 20036.

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# POLL SHOWS PUBLIC FEARS OBAMA AGENDA

A new Rasmussen poll reveals that 57 percent of American citizens believe gun sales are up over the past several months because of widespread fears that the government will tighten restrictions on gun ownership, notes CCRKBA.

"The poll results confirm what we've been saying," said CCRKBA Chairman Alan M. Gottlieb.

"American citizens are fearful that the Obama administration and a Democrat-controlled Congress will enact new laws to erode further the individual right to own firearms," he continued. "This concern was enhanced further by the ruling in Minnesota that far left anti-gunner Al Franken should be seated as a U.S. Senator, giving Democrats a 60-member majority."

The Rasmussen Reports telephone survey found that only 23 percent of the respondents believe gun sales have risen due to concerns about rising crime. Twenty-one percent are not sure.

The poll revealed also that 63 percent of male Americans and 51 percent of women believe gun sales are linked to concerns about gun

control schemes.

Another finding is that 65 percent of Republicans and 66 percent of those not affiliated with either major political party think booming gun sales are connected to fears about increased government restrictions. "But a plurality of Democrats agrees by just 10 points," according to Rasmussen.

Seventy-one percent of Americans believe it is at least somewhat likely that President Obama will seek tougher gun control laws, including 43 percent who say it is very likely, reports Rasmussen.

"Americans realize that despite all of the campaign rhetoric, Barack Obama and Congressional Democrats led by House Speaker Nancy Pelosi are waiting for the right moment to spring new gun control measures," Gottlieb stated. "There is little doubt they would like to renew the ban on semiautomatic sport-utility rifles, place limits on the number of firearms someone may purchase, and maybe institute some kind of licensing and registration scheme, as Pelosi hinted during an appearance on ABC's Good Morning America.

Wherever these measures have been tried at the local level, they invariably have failed to prevent or reduce violent crime. The Clinton gun ban failed. One-gun-a-month schemes have failed.

"How many times do you have to fail at something before you reach the inescapable conclusion that your plan isn't going to work. The Rasmussen poll affirms that Americans are waking up to the Obama-Pelosi agenda, and they are stocking up for what they think is an inevitable attack on gun rights."

The Rasmussen survey came on the heels of a spate of polls showing that Americans are growing increasingly less supportive of new restrictions to regulate firearms.

*The Houston Chronicle*, for instance, reported that the shift in public opinion is so strong that a potential ban on so-called "assault weapons"—once backed by three in four Americans—"now rates barely one in two."

Frank Newport, editor-in-chief of the Gallup Poll, said, "Every bit of data shows us that Americans are getting more conservative about gun control."



*On a hot and sunny July 4 afternoon, CCRKBA's John Snyder ripped into President Obama's anti-gun policies at an Independence Day TEA Party.*

*Snyder noted that Obama's record showed "there was hardly an anti-gun proposal he would not endorse. He indicated he supported the District of Columbia handgun ban while the case of District of Columbia v. Heller was pending. However, after the Court's ruling that overturned the ban, Obama said he agreed with the decision, and that he always thought the Second Amendment protected an individual right. But when he had his first chance to nominate a Supreme Court justice, he named a candidate, Judge Sonia Sotomayor, who in January ruled with the Second Circuit Court in Maloney v. Cuomo that the Second Amendment does not apply to the states." Photo by Ling Woo.*

# CCRKBA RIPS LAUTENBERG LEGISLATION AS A “CLOAK”

Legislation introduced recently by veteran anti-gun Sen. Frank Lautenberg of New Jersey is designed to expand his gun prohibition agenda under the cloak of national security, charged CCRKBA.

Sen. Lautenberg's new bill, the proposed Denying Firearms and Explosives to Dangerous Terrorists Act of 2009, S. 1317, would place unprecedented authority in the hands of the Attorney General to deny someone their Second Amendment rights without having been convicted, or even charged with, any crime. Instead, under this legislation, someone whose name is added – for whatever reason – to a terrorist watch list suddenly can find himself or herself prohibited from exercising their constitutionally-protected rights based on no more than suspicion.

S. 1317 has been referred to the Senate Judiciary Committee.

“Frank Lautenberg has devoted his entire political career to stripping as many citizens as possible of the firearm civil rights,” noted CCRKBA Chairman Alan M. Gottlieb. “His motivation appears to be a Government Accountability Office report that asserts 963 cases of known or suspected terrorists trying to buy firearms over a five-year period from 2004 through February of this year. However, in 90 percent of those cases, the purchases were allowed after the buyer cleared an FBI instant background check.”

Gottlieb continued, “Lautenberg calls this the ‘terror loophole,’ yet neither he nor anyone else can explain adequately how someone gets their name on a so-called ‘terrorist watch list,’ and there appears to be no way

to get someone's name off such a list once it is there.

“In Lautenberg's world view, any American citizen interested in owning a gun is a potential terrorist. Would he add all of our names to such a watch list, thus stripping us of our Second Amendment rights, without first being charged, prosecuted and convicted of some crime?”

Gottlieb recalled the year 2007, when “Lautenberg lamented that a similar bill went nowhere. He claimed it was blocked because too many of his colleagues ‘knuckled under to the gun lobby.’ Better that Congress protect gun owners' civil rights than be browbeaten by a knucklehead.”

John M. Snyder, CCRKBA Public Affairs Director, pointed out that, “Lautenberg's bill reveals a crisis for all Americans' civil rights in the whole government watch list program.

“Sen. Lautenberg says he wants to deny the right to buy a firearm to anyone who is on the government's watch list, but a gun legally may be sold to anyone who does not fall into one of several prohibited categories, and being on the list is not one of them.”

Snyder noted, “While media coverage of S. 1317 emphasizes that the Lautenberg proposal would enable the Attorney General to block gun sales to anyone on the list, it generally fails to inform the public about the nature of the list itself.

“The list itself is a big mystery. To my knowledge, there has not yet been significant information revealed about it. Who is on it? Why? Who puts one on it? How does one get his or her name placed on it? How does one get off it? Can a government official place on it the names of men and women considered unfriendly to or unsupportive

of the government official? Can a journalist or anyone considered unfriendly to or unsupportive of a government official be placed on it? Can this happen without the subject's knowledge?”

Specifically, asked Snyder, “Could one who supports, or opposes, gun rights, be placed on it? Could one who is completing his or her military service, considered suspect recently in a Homeland Security Assessment, be placed on it? Could one who supports, or opposes, any legislative program on any issue be placed on it?”

Former Congressman Bob Barr, a CCRKBA Distinguished Advisor and holder of CCRKBA Awards, wrote that, “This new ‘dangerous terrorist’ watch list would include names based not on hard evidence of criminal activity, but on nothing more than the subjective conclusion by the Attorney General that a person is ‘appropriately suspected’ (whatever that means) of engaging in some manner of assisting or preparing for acts of domestic or international terrorism.”

Snyder said that, “Lautenberg is opening up to general scrutiny the watch list itself. As it exists now, its potential for public abuse is incalculable. It is reminiscent of a star chamber. Its current manifestation is absolutely contrary to our American tradition of civil liberty, regardless of the particular political issue up for debate.

“Rather than give the Attorney General the prerogative of placing the names of gun owners or anyone he wants on the watch list, what Congress really needs to do is examine the watch list itself.”

# ARMS RIGHTS GAIN SOME CONGRESSIONAL SUPPORT

While gun owners had a lot to be upset about as Congress headed into its summer recess, there were some signs on Capitol Hill that support for the right to keep and bear arms was somewhat in evidence.

For one thing, the House Financial Services Committee adopted an amendment early last month that would allow guns in public housing projects.

The amendment, by Rep. Tom Price of Georgia, would bar any housing authority from restricting the legal ownership of firearms. It was adopted by a vote of 38-31 as the committee proceeded with its consideration of H.R. 3045, the proposed Section 8 Voucher Reform Act

of 2009.

“Seniors and other individuals have the right to protect themselves,” said Rep. Joe Baca of California. “Those guns would be registered, and those individuals have a right, in public housing or any other place, to protect themselves.”

While the Department of Housing and Urban Development does not have a specific policy concerning guns in public housing, reports *Congressional Quarterly*, several local agencies have banned them.

Also early last month, the Senate passed unanimously an amendment to the Federal Switchblade Act as part of the Homeland Security Appropriations bill. The amendment

by Sens. John Cornyn of Texas, Orrin Hatch of Utah and Mark Pryor of Arkansas would change the federal law under which U.S. Customs and Border Protection (CPB) had tried to redefine many common knives as switchblades.

The measure would exempt assisted-opening knives that can be opened only with “exertion applied to the blade by hand, wrist or arm” from a federal law that criminalizes commerce in switchblades.

“The Senate sent a strong message and made clear that the 35 million Americans who own pocketknives are free to continue using them without the threat of federal agency intrusion,” said Sen. Cornyn.

## CITIZEN ACTION PROJECT

A major challenge experienced by gun rights advocates is getting our side of the issue before the public. Negative reporting on firearms and their misuse is an everyday occurrence. When was the last time you heard a pro-gun item on the news, or read of legitimate use of firearms in your local newspaper?

One effective way of disseminating the truth about guns and gun owners is via letters to the editor. The editorial opinion page, to include Letters to the Editor, is the third most widely read page of the newspaper (after the front page and the sports page). Here is your opportunity to set the record straight and tell the non-shooting public the “other side of the story.” This is one area where most newspapers do try to present a balanced picture.

Letters to the Editor should be kept short and concise. While many newspapers claim to accept letters of up to 200 or 250 words in length, it’s best to keep it to 150 words or less. While longer letters are occasionally published, the shorter ones stand a much greater chance of publication (and of being read). You should focus on one or two points. Use plain and simple English. State your case; cite facts to back up your position. Close with your bottom line summary.

Letters to the Editor can usually be submitted by e-mail, by fax or by snail mail. E-mail is the preferred method. Submission directions can usually be found on the editorial page itself, or on the “opinion” page of a newspaper’s on-line edition. Act today, before it’s too late.

# KENTUCKY PASTOR NAMED CCRKBA RIGHTS DEFENDER

Rev. Ken Pagano, Pastor of New Bethel Church in Louisville, Kentucky, is the CCRKBA Gun Rights Defender of the Month for August.

In nominating the clergyman for the CCRKBA Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "Rev. Pagano has rendered tremendous service to those of us who believe firmly in the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. When he held an open carry service at the church to commemorate the Fourth of July and the Second Amendment, he indicated loudly and publicly that the ownership and use of firearms by decent citizens is a good and laudable practice. He showed that it is as American as apple pie, if not even more so. His public, articulate and church-centered defense of gun rights countered the phony claim of some clergymen of various religious persuasions that there somehow is something wrong in the possession and use of rifles, shotguns and handguns."

"It was as peaceful as a family picnic, maybe even more so because everyone seemed to agree—it is time, they said, to stand up openly for gun rights, even in church, which is where they stood today," reported *The New York Times*.

About 180 people came to the church on the last Saturday afternoon in June, noted the newspaper, "some of them wearing side arms,

many of them saying 'Amen,' as Ken Pagano, the pastor, spoke from the sanctuary stage in front of a large wooden cross."

Pastor Pagano preached, "We want to send a message that there are legal, civil, law-abiding intelligent people who also own guns" in an hour and a half program that emphasized gun-safety. "There is nothing to be afraid of from a legal firearms owner."

Rev. Pagano, according to press reports, was not wearing a firearm during the service. However, Rev. Charlie Hinckley, who like Rev. Pagano was until recently an Assembly of God preacher, but at another church, and who joined Rev. Pagano at the platform, did wear his caliber .380 Smith & Wesson on the belt of his jeans. After the program, Rev. Hinckley said it was the first time he had worn his handgun into church. When a reporter asked him if he felt weird doing so, he replied, "No, considering what we're here for."

Before the event actually took place, Rev. Pagano said he got a lot of criticism from people who disagreed with him. "This is like I'm driving down the highway and doing the speed limit of 55 and people are honking and making obscene gestures because I'm obeying the speed limit. I'm not doing anything that's illegal, unbiblical, unhistorical or unconstitutional, but people still want me to justify it."

In the run-up to the church celebration, Rev. Pagano noted the church was welcoming "responsible gun owners" to wear their handguns inside the church, scene of a handgun raffle, patriotic music and information on gun safety.

"We're just going to celebrate the upcoming theme of the birth of our na-

tion," said Pastor Pagano. "And we're not ashamed to say that there was a strong belief in God and firearms – without that this country wouldn't be here." He noted that guns must be unloaded and that private security guards would check visitors at the door.

Under Kentucky law, residents of the state may carry guns in public with some restrictions.

A Marine veteran and police chaplain, Rev. Pagano repeatedly has been forthright in defending the right to keep and bear arms. He told at least one reporter that one cannot defend a person's First Amendment right to religious liberty without the Second Amendment right to keep and bear arms.

"We love God, we love our country," he told an applauding crowd. "Without a belief in God, without a belief even in firearms, I don't believe this country would be here the way it is today. There's nothing to be ashamed of."

Ken has served as an assistant pastor in a small, rural church plant, as well as a staff pastor for a megachurch in Louisville. He was pastor of a rural community church for eight years, paying off two mortgages, seeing the church grow to the 200 mark. He travelled nationally as an evangelist for six years until becoming New Bethel Church pastor in 2000.

Ken has a Doctorate of Ministry Degree. He attended Boyce College, Campbellsburg University, Southern Baptist Theological Seminary, Assemblies of God Theological Seminary and Covenant Seminary.

He and his wife, Dana, have been married since 1982.

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# QUICK SHOTS

Gun rights attorney Alan Gura, who represented successfully gun control opponents last year before the Supreme Court in the *D.C. v. Heller* case and now represents pro-gun plaintiffs in other cases, believes the Court should incorporate individual Second Amendment rights against the various states. He would like the Court to “incorporate under the 14<sup>th</sup> Amendment’s Privileges or Immunities Clause,” he told Brian Doherty of *Reason*. “To do that would require overruling the Slaughterhouse Cases from 1873, which held that the phrase ‘privileges or immunities’ essentially doesn’t mean anything...That is wrong... Everyone understood at the time of the 14<sup>th</sup> Amendment’s ratification that it was meant to incorporate the entire Bill of Rights plus other innumerable undefined ones; that’s not an exhaustive list of rights in the Constitution. But to get that correct reading of the language to prevail, we have to get the Court to overrule the Slaughterhouse Cases.”

Ray Schoenke, President of what many pro-gun observers consider a bogus gun owners’ group, the American Hunters and Shooters Association (AHSA), climbed on board the bandwagon of those supporting the nomination of Judge Sonia Sotomayor to the Supreme Court. An AHSA news release stated, in words which may come back to haunt Schoenke, that “gun owners have nothing to fear from Sotomayor.” Schoenke noted that, “in a recent

Second Amendment case, Judge Sotomayor simply followed precedent in cases involving Second Amendment rights as it applies to the states. Other conservative judges in the Seventh Circuit took a similar position. What we should be focusing on is making sure that, (*D.C. v. Heller*, through the 14<sup>th</sup> Amendment’s process of incorporation, guarantees Second Amendment freedoms in all states.”

In Jacksonville, Florida last month, William West was asleep in his bed when a neighbor awakened him with a 4:30 a.m. phone call. “Somebody in your house right now,” said the neighbor. “How asleep is you? They in your house right now.” West got up and armed himself with a 12-gauge shotgun. “I didn’t really have time to think, you know what I’m saying,” West said, according to News 4 Jacksonville. “Didn’t have time to think to be scared or not. I just know I had to try to protect myself. That’s it.” West said he shot the intruder, later identified as 25-year-old Gerald Wright. According to the arrest report, Wright came in through West’s window armed with a “silver handgun” and was “standing in the living room.” West said, “I couldn’t really see because I wear glasses, so I just shot because I had buck shots, and I know they would spread.” Wright was able to climb back out and run a couple of blocks away, where he was found lying on the ground. “I was trying to protect myself,” said West. “That’s all.”

In Florida, victims legally may use deadly force to protect themselves. “I don’t think it should have come down to this,” West said. “I really don’t.”

It’s “an uphill fight for the right to carry guns on campus,” according to a *Wall Street Journal* article by Alex Roth and Ansley Haman. “In the two years since a Virginia Tech student shot and killed 32 students and professors, gun rights advocates have failed to pass laws even in states strongly supportive of gun owners’ rights, including Louisiana, Alabama, Oklahoma, South Carolina, Mississippi and Kentucky. Gun control advocates tout what they label an unprecedented winning streak, noting that it comes at a time when even many Democrats are wary of alienating U.S. gun owners. Proponents of the bills are pressing on, arguing that passing such laws could help prevent the next Virginia Tech-style massacre.”

“While the idea that there could be hundreds, if not thousands, of armed people walking around Ulster County (NY) on any given day might be a cause of concern to some, county Sheriff Paul Van Blarcum isn’t worried,” reports the Kingston, NY *Daily Freeman*. “‘We don’t hardly have any problems with legal handguns,’ Blarcum said. ‘I’ve been a cop for 33 years and never had a problem.’”

# 4

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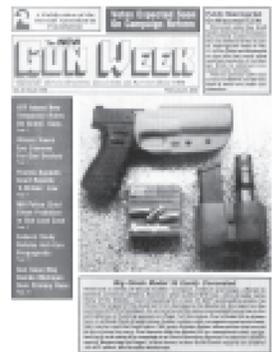
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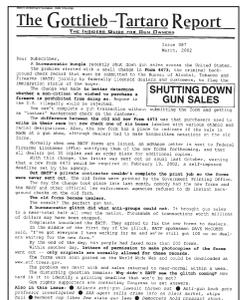
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