



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



**April
2003
Volume XXVIII No. 4**

IN THIS ISSUE

Self Defense Act	1-3
CA Misusing NICS Data	2
Co & UT CCW Legislation	3
Arming Cargo Pilots	4
CCW Reciprocity	5
Citizen Action Project	5
Defender of the Month	6
Quick Shots	7

**CITIZENS
COMMITTEE
FOR THE RIGHT
TO KEEP AND
BEAR ARMS**
(a non-profit corporation)
National Headquarters:
12500 N.E. Tenth Place
Bellevue, Washington 98005
Capitol Hill Office:
1090 Vermont Ave., N.W., Suite 800
Washington, D.C. 20005

CCRKBA ENDORSES SELF-DEFENSE ACT

The Citizens Committee for the Right to Keep and Bear Arms has announced its support for the proposed Citizens' Self-Defense Act of 2003.

Introduced by Rep. Joe Wilson of South Carolina, H.R. 648 has been referred to the House Committee on the Judiciary.

"H.R. 648," said CCRKBA Public Affairs Director John Michael Snyder, "lays it right on the line. Its stated purpose is to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of the right. We most assuredly commend Congressman Wilson for introducing this measure, and intend to assist him in any way possible for its consideration and passage."

Snyder encouraged CCRKBA members to contact their own congressional representatives and ask them to support this bill, or become co-sponsors.

The bill would stipulate that an individual who is not prohibited by law from receiving a firearm shall have the right to obtain handguns, rifles and shotguns for security.

It would provide further that such individuals shall have the right to use the guns in defense of themselves or family against a reasonably perceived threat of injury or death, or other violent felony. It also allows defense of the person's home in the course of the commission of a felony by another person.

H.R. 648 would provide further that, if a person's self-defense right is violated in any manner, that person may bring an action in any United States district court against the United States, any State, or any person for damages, injunctive relief, and such other relief as the court deems appropriate, within a five year period.

The court, in its discretion, could allow the prevailing plaintiff a reasonable attorney's fee as part of the costs.

The bill would also put Congress on record as finding that the police cannot protect, and are not legally liable for failing to protect, individual citizens. Courts have consistently ruled that the police do not have an obligation to protect individuals, only the police in general. For example, in *Warren v. District of Columbia Metropolitan Police Department*, 444 A.2d 1 (D.C. App. 1981), the court stated that "courts have without exception concluded that when a municipality or other governmental entity undertakes to furnish police services, it assumes a duty only to the public at large and not to individual members of the community."

In additional support for that finding, it would cite former Florida Attorney General Jim Smith, who told Florida legislators that police responded to only 200,000 of 700,000 calls for help to Dade County, Florida authorities, (Continued on page 3)

CCRKBA SEEKING NICS PROTECTION

After a public disclosure that the State of California for several years illegally has been assessing the FBI's National Instant Check System (NICS), CCRKBA called on Congress to enact legislation to provide tougher penalties for such abuses in the future.

CCRKBA Chairman Alan M. Gottlieb said no state should be permitted to access the NICS databank for what amounts to an intelligence gathering effort against individual citizens. He noted that regardless of how California Attorney General Bill Lockyer's friends choose to spin the story it appears the state has misused the NICS databank to invade the privacy of California residents.

According to the Cybercast News Service, "the California state government already is using NICS to illegally access data meant solely for gun dealers, according to the FBI and the U.S. Department of Justice. The state claims the information assists police when they are returning confiscated firearms."

"Of all people, Lockyer should know that what California has been doing is a violation of federal statute," Gottlieb chided. "That United States Attorney General John Ashcroft now is enforcing the law, when the previous administration allowed Lockyer and his predecessor flagrantly to violate it, can hardly be held against Ashcroft.

"The more important issue is what Bill Lockyer is doing with this information. That really hasn't been

**Keep Up-to-Date by
visiting our website**

www.ccrkba.org

fully explained, other than to claim the NICS data is being used to track down theoretically potential 'illegal gun owners,' when in fact they may not possess a firearm at all. There are other ways of getting the needed information from other government databases, so that the state should not feel it necessary to break a federal law in order to enforce a state law."

Anti-gun U.S. Sen. Dianne Feinstein of California, who has expressed her concern to the FBI about the NICS restrictions, said she would favor changing the Brady Law so that her state legally could gather the information.

Gottlieb said Congress should move swiftly to prevent further abuses by the State of California. He stressed the NICS database was created only for the purpose of helping firearm dealers determine if a potential gun buyer legally is able to own a firearm. It was never intended or designed to be used as a tool for government fishing expeditions. The law specifically prohibits that kind of access.

Gottlieb said the California authorities "want to see if people who tried to buy guns and were denied own other firearms. Basically, they're knocking on doors looking for guns."

Lockyer, whose office conducts the background checks in California, has indicated he will disobey orders from the FBI and Justice Department, reports CNSNews.com.

"This is not a harassment tool at all," said Hallye Jordan, spokeswoman for Lockyer. "This is simply a public safety tool. We are determining whether or not someone can have a firearm returned to them if they are legally able to possess a firearm. Under the Brady Act, you can do that when someone is buying a gun.

We think it only makes sense to do it when law enforcement is trying to return a gun."

Jordan acknowledged that California also is in violation of laws governing the National Crime Information Center and the Interstate Identification Index.

"If Bill Lockyer wants to run for Governor in 2006," Gottlieb observed, "running as the candidate who deliberately violated a federal gun law is not the best platform from which to launch a campaign."



POINT BLANK

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

Editor John M. Snyder
Publisher Alan M. Gottlieb
Managing Editor J. H. Versnel
Dave Workman
Associate Editors Mike Connelly
Tom Gresham
Merrill Jacobs
Bob Kukla
Peggy Tartaro
Joe Waldron

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.

Copyright © 2003 CCRKBA

Correspondence and manuscripts should be sent to POINT BLANK, CCRKBA, 1090 Vermont Ave., N.W., Suite 800, Washington, D.C. 20005

Address Change: Write new address, city, state, and zip code on a plain piece of paper. Attach mailing label from an issue of POINT BLANK and send to CCRKBA, 12500 N.E. Tenth Place, Bellevue, Washington 98005. Please allow four to six weeks for change to become effective.

CCRKBA LAUDS CO & UT GOVERNORS

Gun owners have prevailed in two western states, as Colorado and Utah have reformed their concealed carry statutes, leaving anti-gunners howling.

Colorado Gov. Bill Owens signed Senate Bills 24 and 25, effectively reforming the Centennial State's firearms statutes. Two days later, Utah Gov. Mike Leavitt signed legislation that clarifies an ambiguity in the that State's concealed carry statute.

The Citizens Committee for the Right to Keep and Bear Arms lauded both governors, noting that they acted in the best interests of all citizens in their states.

CCRKBA Executive Director Joe Waldron said Gov. Leavitt did the responsible thing by signing SB108, which adds common-sense protections for legally armed citizens, while also providing churches wider latitude in prohibiting firearms inside their sanctuaries.

"This was the sensible thing to do, and it is a victory for Utah's law-abiding gun owners," Waldron observed. "Gov. Leavitt properly looked beyond the specious arguments against this legislation from anti-gun groups, and even his own personal opposition to guns on school campuses.

Self Defense

and also the United States Department of Justice, which found that, in 1989, there were 168,881 crimes of violence for which police had not responded within one hour.

Congressman Wilson's measure enhances individual protection, stating that, "the courts have granted immunity from prosecution to police officers who use firearms in the line of duty. Similarly, law-abiding

"There have been no instances of legally-licensed gun owners harming anyone or even posing a threat on a school campus anywhere in the country," he added. "Quite the opposite, in fact, is true. When Peter Odighizuwa went on a rampage at a Virginia law school last year, he was apprehended by an armed student, Tracy Bridges. When teenage gunman Luke Woodham murdered two students and shot seven others at Pearl High School in Mississippi in 1997, he was stopped at gunpoint by Assistant Principal Joel Myrick.

"Law-abiding gun owners are not, and never have been, a problem on school campuses," Waldron noted. "Indeed, they've been heroes. They, along with other parents and even the school administrators and teachers who opposed the legislation, deserved to have this issue clarified. Gov. Leavitt didn't do the so-called 'gun lobby' a favor, he did everyone a favor by signing this bill."

In Colorado, SB 24, sponsored by Sen. Ken Chlouber, and SB 25, authored by Sen. Jim Dyer allow Colorado to join over 30 other states with a "shall-issue" concealed carry license statute, and state pre-emption clause, respectively, on the books. CCRKBA

Continued from page 1

citizens who use firearms to protect themselves, their families, and their homes against violent felons should not be subject to lawsuits by the violent felons who sought to victimize them."

Chairman Alan Gottlieb said Gov. Owens "demonstrated leadership and common sense, especially after being hounded and assailed by gun control extremists in an attempt to have him veto the measures."

"This is a great day for Colorado gun owners, and the lawmakers who worked so hard to pass these sensible measures," Gottlieb said. "No longer will Coloradans be faced with a patchwork of gun control ordinances that make certain practices legal in one jurisdiction, and outlaw them in another 40 miles away. Gov. Owens deserves credit for making this possible, and for standing firm against the anti-gunners who wanted to continue treating Colorado gun owners as second-class citizens.

Gun prohibitionists have argued that passage of these common-sense reform measures will lead to an increase in gun violence and return Colorado to the days of the Old West. Gottlieb called those dire predictions preposterous.

"In every state where these laws have passed," he said, "licensed gun owners have put the lie to such nonsense. Wherever right-to-carry laws are now on the books, gun owners have been put on an equal footing with criminals, and violent crime rates have actually declined, and anti-gunners know it. The next year should prove they've been lying in Colorado like they have in every other state where they have fought similar legislation.

"Anti-gun extremists lost," he concluded, "but Colorado citizens won. They have Senators Chlouber and Dyer, and Gov. Owens to thank for that."

CCRKBA SUPPORTING ARMED CARGO PILOTS

Speaking last month in the nation's capital, CCRKBA Public Affairs Director John Michael Snyder said CCRKBA supports Capitol Hill moves to provide for the voluntary arming of qualified cargo airline pilots.

Snyder's statement came as members of the U.S. Senate and House of Representatives introduced legislation to again include commercial cargo pilots among the ranks of those eligible to participate in the federal armed pilots program. Supporters called the loophole that excluded cargo pilots from the plan a "gaping hole in national security."

Both Houses of Congress included cargo pilots in their legislative mandate to create a Federal Flight Deck Officer (armed pilots) program. However, when the Homeland Security Act, in which the provision was included, went to a House-Senate conference committee for reconciliation last year, the word "passenger" was inserted in front of the words "airline pilot" each time they appear, effectively excluding cargo pilots from participating.

To correct the situation, Representatives and Senators have introduced the proposed Arming Cargo Pilots Against Terrorism Act. The proposal would require the Transportation Security Administration (TSA) to alter the Federal Flight Deck Officer program to screen and accept qualified volunteers for training from the ranks of cargo as well as commercial passenger airline pilots.

Sen. Jim Bunning of Kentucky introduced S. 516 in the Senate, where it was referred to the Committee on Commerce, Science and Transportation.

Rep. Joe Wilson of South Carolina

introduced H.R. 1049 in the House of Representatives, with Rep. Cliff Stearns of Florida as an original co-sponsor. It was referred to the Committee on Transportation and Infrastructure.

Among the cargo pilots speaking out in support of the legislation is Captain Mark Flagg.

He flew as a Navy fighter pilot for more than a decade and has been a commercial cargo pilot for the last seven years. His parents died on American Airlines Flight 77 when it was crashed into the Pentagon by terrorist hijackers on Sept. 11, 2001.

Flagg told lawmakers, according to CNSNews.com, that the Flight Deck Officer Program has at least one serious flaw.

"By only fortifying passenger aircraft, we have basically created a blueprint for terrorists to strike using cargo aircraft," Flagg argued. "To ensure one level of security, we must also arm cargo pilots."

Flight Officer Al Aitken, a pilot for a major passenger airline who represents the Airline Pilots Security Alliance, concurs.

"I believe the possibility of another terrorist hijacking is actually greater for cargo operations," Aitken said at a congressional hearing. "It, therefore, makes no sense to exclude cargo pilots from the Federal Flight Deck Officer Program."

Aitken noted a number of factors that contribute to the vulnerabilities of cargo aircraft, including:

Some cargo planes carry a limited number of passengers, but those individuals do not undergo the enhanced scrutiny of those flying on commercial passenger airlines. Personnel who load cargo planes are not required to have the same

criminal background checks as those who load and service passenger aircraft. Airport cargo facilities are much less physically secure than passenger terminals and tarmacs, and stowaways are frequently reported on cargo aircraft.

Personnel with business at cargo ground operations are rarely screened before entering areas where they could gain unauthorized access to cargo planes.

Sen. Bunning noted that a major cargo hub is located on the Ohio-Kentucky border. As a Senator from the Blue Grass State, he is particularly concerned that cargo pilots be able to protect themselves and their aircraft.

"Suppose, from any of these scenarios," Bunning hypothesized, "a terrorist made his way into a cargo plane and then, after takeoff, the terrorist made his way into the cockpit. The cargo pilot would literally be defenseless."

Cargo planes, said Bunning, "will never have federal air marshals. Cargo planes do not have trained flight attendants or alert passengers to fend off hijackers. Cargo planes do not have reinforced cockpit doors, and some do not have any doors at all... Cargo planes are just as big as, if not bigger than, passenger planes. They can carry larger loads of fuel and frequently carry hazardous materials... A cargo airplane causes just as much damage when used as a weapon as did the passenger planes hijacked on Sept. 11, 2001."

CCRKBA ENDORSES STEARNS CCW RECIPROCITY MEASURE

The Citizens Committee for the Right to Keep and Bear Arms has issued a call to firearm owners throughout the nation to ask their congressional representatives to cosponsor H.R. 915.

Sponsored by Rep. Clifford B. Stearns (R-FL), a CCRKBA Gun Rights Defender of the Month Award recipient, H.R. 915 is a federal reciprocity proposal which, if enacted, would allow a law-abiding citizen with a permit to carry a concealed firearm issued by any state to carry that firearm in any state. It has been referred to the House Committee on the Judiciary.

CCRKBA Public Affairs Director

John Michael Snyder said the legislation "is both proper and popular."

"Dozens of states have enacted such measures applicable within their jurisdictions," Snyder noted. "Scholarly research, such as that conducted by John R. Lott, Jr. of the American Enterprise Institute, shows that the enactment of such laws is a factor leading to a reduction in rates of violent crime. It's time for Congress to recognize the social benefits of CCW laws and enact legislation such as that proposed by Congressman Stearns."

H.R. 915 would provide that a person who is not prohibited by federal law from possessing, transporting,

shipping or receiving a firearm and is carrying a valid license or permit which is issued by a state and which permits the person to carry a firearm, other than a machine gun or destructive device, may carry a concealed firearm in another state. All laws of the state relating to concealed carry must be followed.

If another state does not issue licenses or permits to carry concealed firearms, the person may not, in the state, carry a concealed firearm in certain designated areas, but may carry in other areas.

CCRKBA HONORS CAPT. TRACY PRICE

Captain Tracy W. Price of the Airline Pilots Security Alliance (APSA) has earned the CCRKBA Gun Rights Defender of the Month for April.

In nominating Price for the honor, CCRKBA Communications Director Dave Workman pointed out that under his leadership, APSA was instrumental in passing the legislation that mandated an armed airline pilot program. Now Price is laying into Transportation Security Administration (TSA) officials for dragging their feet in implementation of the program.

In late February, TSA officials said pilots who participated in the program will only be allowed ready access to their guns when they are inside the cockpit with the door locked. "The jurisdiction of use of the weapon is in the cockpit and the cockpit only," stated TSA spokeswoman Heather Rosenker. "The weapon needs to be re-secured in the locked box if the cockpit door opens."

Capt. Price, himself a commercial passenger airline pilot and one of the founding pilots of APSA, was livid upon learning that TSA had disclosed this vulnerability, reported the Cybercast News Service.

"The TSA is advertising that to would-be terrorists and telling them and pointing out to them that the best opportunity that they will have to take over the cockpit is just then, when the cockpit door is open because they know that the weapon will not be accessible to the pilot," Price said.

The disclosure caused Price to "seriously question the TSA's motives" for allowing the information to be made public.

"Are they truly concerned about airline security, or are they concerned about building their own empire?" he asked. "If they had a serious concern with airline security, they would have never let that information out like they did. We're shocked beyond belief."

Price thinks that anti-gun personnel in TSA may hope to derail the program. He believes the training and evaluation requirements proposed by TSA are designed to accomplish a goal other than arming the largest number of pilots possible in order to deter a repeat of the 9/11 terrorist hijackings.

"There are a lot of things in this plan that they propose that point towards trying to minimize the number of volunteers and limit the size of the program instead of welcoming us and thanking us for coming forward and volunteering to do this," he said.

As an example, Price noted the mandatory psychological examination by a TSA psychologist, which he said is designed to intimidate would-be armed pilots.

"They've said they are going to screen for things like the willingness to take into account the safety and security of passengers and crew," Price noted. "That isn't something we 'take into account.' That's the thing that's at the front of our minds and better be at the front of our minds every second that we're at work and in command of an airplane."

Price said he thinks the requirements proposed by TSA for pilots who want to arm themselves in the cockpit against possible terrorist attacks amount to "a laundry list of what the anti-gun crowd would

require of every citizen who is given a concealed carry permit."

Another TSA proposal would require that, unless the pilot is behind the locked cockpit door, the gun would have to be holstered, locked inside a hard-sided gun case and stored inside "a bag that is nondescript."

That, said Price, "just makes us a huge target. It just paints a bulls-eye on every pilot, whether he happens to be an armed pilot or not.

"Now, all of a sudden, my pilot's uniform gives the criminal element – that may be in the employee parking lot at three in the morning when I show up for work – some idea that I may be carrying a very high-value weapon, and they know that that weapon is unavailable to me to use in self-defense."

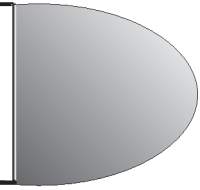
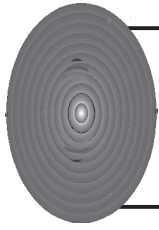
Price served as chairman of APSA, a grass-roots organization formed in the wake of the terrorist attacks, from February 2002 to February of this year.

He remains on the APSA Board of Directors and serves as the vice president of Government Affairs.

Price has been an airline pilot for the past 16 years and a captain for a major U.S. carrier for the past 10 years.

He has over 26 years of flying experience in many aircraft types ranging from small, general aviation airplanes and helicopters to large jet airliners.

He lives in Northern Virginia, has been married to Laurie Price for 19 years and has two sons.



Maryland Gov. Robert L. Ehrlich came out against a proposal that would expand the state's so-called "ballistic fingerprinting" program to rifles and other long guns, citing concerns about the cost and effectiveness of the program.

Returning to an issue from last fall's campaign, Ehrlich spokesman Henry Fawell said the governor has "yet to be convinced" that the handgun database actually works.

After consulting with Ehrlich, according to *The Washington Post*, Maryland State Police officials testified at a General Assembly hearing that the state should evaluate the system before spending more money to expand the program.



In Washington, D.C., CCRKBA announced its opposition to H.R. 776, a bill to require ballistics testing of all firearms manufactured and all firearms in custody of federal agencies. Short-titled the Technological Resource to Assist Criminal Enforcement (TRACE) Act, the measure has been referred to the House Committee on the Judiciary. Point Blank readers could contact the Committee Chairman, Rep. F. James Sensenbrenner of Wisconsin, and let the committee know what you think about this obvious attempt to infringe the individual Second Amendment civil right to keep and bear arms. The committee phone number is (202) 225-3951. Fax is (202) 225-7682. Postal address is 2138 Rayburn House Office Building, Washington, D.C. 20515.

Also in Washington, D.C., CCRKBA announced its full support of H.R. 1036, a bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or

ammunition for damages resulting from the misuse of their products by others. Introduced by Rep. Cliff Stearns of Florida, a CCRKBA Gun Rights Defender of the Month award winner, the measure would put an end to efforts to bankrupt the firearms industry through filing, funding or promoting dozens of predatory lawsuits. It, too, has been referred to the House Committee on the Judiciary.

The U. S. Supreme Court announced it would not rule as scheduled on Chicago's bid to gain access to federal data on gun purchases and weapons crimes. It said a lower court should reconsider the issue in light of a recent law that prohibits the government from spending any money to release such data. The city is suing firearm manufacturers for the \$433 million it says gun violence has cost the city. It wants BATF to release its records on about 200,000 police investigations of guns used in crimes. Chicago says it is entitled to the records under the Freedom of Information Act. The Bush Administration says the release of such information could compromise criminal investigations and individual privacy.

Shortly after Smith & Wesson introduced its 500 Magnum handgun at a firearms industry-wide trade show in Florida, anti-gun U.S. Rep. Danny Davis of Illinois said he would seek a nationwide ban on the product. Billed as "the most powerful production revolver in the world today," S&W claims its new 500 Magnum cartridge produces nearly three times the muzzle energy of the .44 Magnum round. Rep. Davis said the .50 caliber five-round revolver, which weighs 72.5 ounces and has an overall length of 15 inches, has no purpose in society except to

cause death and injury to humans.

Cash-strapped California lawmakers, eager to reduce the multi-billion dollar deficit racked up under Democrat Gov. Gray Davis, are proposing to balance the budget on the backs of Golden State gun owners. Among the measures promoted by Democrats like Paul Koretz of West Hollywood is a 10-cent-per-cartridge "fee" on ammunition. CCRKBA Chairman Alan M. Gottlieb said the proposal is outrageous. "It is an insult," he stated, "that in a state where Democrats continually have passed measures to strip gun owners of their firearm rights, tax-and-spend liberal lawmakers like Assemblyman Koretz now want gun owners to pick up the tab for their reckless spending habits."

In Missouri, former U.S. Rep. Harold L. Volkmer is in the forefront of the push for a state law mandating the issuance of a permit to carry a concealed firearm to qualified applicants. He told a rally at the State Capitol that Missouri must join the 32 U.S. states that already allow their citizens to carry concealed weapons. He said that "more than one-half of the people of this country can now apply for and receive a concealed weapon carry permit. Why, I ask you, whenever everybody else in those states can carry a weapon to protect themselves and their families, their property and their business and themselves, why can't we?" A CCRKBA Distinguished Advisor, Volkmer holds a CCRKBA Gun Rights Defender of the Year Award.

