

POINT BLANK

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



**February
2010
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**CITIZENS
COMMITTEE
FOR THE RIGHT
TO KEEP AND
BEAR ARMS**

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CCRKBA LAWSUIT V. SEATTLE GUN BAN MOVING

The City of Seattle was to have responded by Feb. 1 to a motion, filed by attorneys for the Citizens Committee for the Right to Keep and Bear Arms, for a summary judgment in CCRKBA's lawsuit against the city for its gun ban in public parks.

CCRKBA, in cooperation with the Second Amendment Foundation and other gun rights organizations, and five individual plaintiffs, contends that the ban, initiated by ousted former Mayor Greg Nickels, is illegal under Washington State's model preemption statute. CCRKBA Chairman Alan Gottlieb is confident of a victory in the lawsuit, noting that the former mayor even acknowledged more than two years ago in a letter to Washington State House Speaker Frank Chopp that the city does not have the authority to adopt its own gun laws.

This has been on-going since the summer of 2008, when then-Mayor Nickels, a founding member of the anti-gun Mayors Against Illegal Guns, declared that he would ban legally-carried handguns from all city property.

The mayor's plan was in trouble from the start, since the initial thrust was aimed at the carrying of legally concealed handguns. Nickels overlooked the fact that unlicensed open carry is legal in the Evergreen State, a fact that has been recognized in at least two rulings by the State Court of Appeals.

Immediately after Nickels announced his proposed ban, CCRKBA – joined by its sister organization SAF – warned the mayor that they would sue. CCRKBA documented various statutory prohibitions against the mayor's proposal in a letter to Nickels, and for several months, it appeared he had reconsidered and decided to let the threat die.

Washington's Legislature adopted state preemption initially in 1983 and strengthened it in 1985. The statute has served as a model for similar laws in several other states. Under preemption, all authority for firearms regulation in the state rests with the Legislature. No city, county or town government may adopt gun laws that exceed those adopted by the state.

Gottlieb recalled that the reason for this was simple: "It eliminated a patchwork quilt of sometimes conflicting gun laws that existed all around the state at the time. State preemption nullified existing laws and prevented adoption of new ordinances.

"Instead of concentrating on fighting real crime in city parks," Gottlieb said, "the city is wasting time and legal resources on this nonsense. Seattle voters – many of them gun owners – ousted Greg Nickels last fall because of his ineptitude and arrogance in office, which certainly included the pursuit of this illegal gun ban. Seattle's new mayor, and members of the city council, ought to take a lesson from that."

CCRKBA HAILS CALIFORNIA CHIEFS ON MICROSTAMPING

CCRKBA praised the California Police Chiefs Association (CPCA) for reversing its support for a mandatory microstamping law slated to take effect January 1 and calling for an in-depth study of the technology before it is implemented in the Golden State.

In 2007, despite CCRKBA objection, Governor Arnold Schwarzenegger signed into law a requirement that new semiautomatic handguns in California include an innovative firing pin that stamps microscopic characters onto cartridge cases. (Firearms microstamping is the process by which firearms manufacturers micro-laser a gun's make, model and serial number on distinct parts of each gun, including the firing pin.) It was intended to ensure that every bullet casing at a crime scene has a license number on it, traceable to a statewide gun database.

In her recent letter to California Attorney General Edmund G. Brown, CPCA Acting President Susan E. Manheimer wrote, "There are too many unanswered questions with microstamping in its current iteration" and raised concerns that "statements about the capabilities of microstamping may have been technologically premature."

Manheimer wrote also that, "We support further research of microstamping in light of new information that has surfaced since California passage of the legislation. Publicly available, peer-reviewed studies conducted by independent research organizations conclude that the technology does not function reliably and that criminals can remove the markings easily in mere seconds. We believe that these findings require examination prior to implementa-

tion." CPCA expressed concerns over implementing the technology during a very difficult budget environment and the negative impact on law enforcement budgets which already are under significant pressure.

When CCRKBA opposed the microstamping proposal in 2007, we charged that, "This questionable and unproven technology is just another attempt to limit access to affordable handguns by gun control extremists in the state legislature."

We noted that, "Most firearms used by criminals are stolen, and criminals don't register stolen guns. In fact, criminals are exempt from firearm registration by a U.S. Supreme Court decision, U.S. v. Haynes, 1968. In addition to that, the technology easily is defeated in a number of ways: the etching can be marred or ground out, brass picked up at a firing range can be reloaded and used, steel cased ammunition won't take the imprint, etc."

Kevin Yamamura reported recently in *The Sacramento Bee* that, "California regulators have approved far fewer semiautomatic pistols for sale in the wake of a state law that required new safety devices in 2006 and 2007. Now, with a new bullet-stamping law scheduled to take effect in 2010, the gun industry predicts it will introduce even fewer new models in California rather than install a device necessary to trace individual casings to a statewide gun database.

"California will become like Cuba with cars," said Lawrence Keane, senior counsel for the National Shooting Sports Foundation, which represents the gun industry. "You will only be able to get very old models of guns."

"The law is on hold as state officials work out regulations governing how new guns will be approved. In addition, the inventor of the microstamping technology must free up patent restrictions for the law to take effect. The law then applies only to new models of semiautomatic pistols approved for sale in California, and those numbers already are falling because of the state's last effort to boost gun safety."



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

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CCRKBA: MURDER GOES DOWN AS GUN SALES GO UP

In the first half of 2009, the number of murders in the United States dropped dramatically from the same period in 2008. Figures indicate also sales of guns in the first half of 2009 were way up over sales of guns in 2008.

These facts demolish the gun grabbers' argument that more guns mean more crime, note CCRKBA officials.

"Hard facts trump hot air," says CCRKBA Chairman Alan M. Gottlieb.

He noted that a 10 percent drop in murders during the first six months of last year coming at a time when gun sales were up dramatically was proof that there is no correlation between gun ownership and violent crime.

The FBI released data last December that shows murders dropped 10 percent in the first six months of 2009 from the same period in 2008.

According to data released by the FBI's National Instant Criminal Background Check System (NICS), gun sales were way up in the same period of 2009 over the same period in 2008.

January 2009 background checks rose 28.8 percent over the same month in 2008. February 2009 NICS checks were up 23.3 percent. In March 2009 they were up 29.9 percent over March 2008. The trend continued in April 2009 with NICS checks up 30.3 percent over April 2008. May 2009 showed a slowdown, up only 15.5 percent. In June 2009 they were up 18.1 percent.

"What this shows," said Gottlieb "is that gun prohibitionists are all wrong when they argue that more guns result in more crime. Firearms in the hands of law-abiding citizens are no threat to anyone. Perhaps violent criminals actually were discouraged

from all of those gun sales early last year, because the media made a point of reporting the booming gun market.

"Anti-gunners have lost another one of their baseless arguments. Millions of Americans bought guns during the first six months of last year, many of them for the first time. Yet with all of those new guns in circulation, coupled with an increased demand for concealed carry licenses around the country, the streets have not been awash in blood, as gun banners repeatedly predict."

Gottlieb said that anti-gun people "are consistently wrong about our rights. Millions of people bought guns; especially semiautomatic sport utility rifles that gun grabbers want to ban because they say people aren't safe with all of those guns in private hands. Well, the people disagree, and so does the data."

Echoing Gottlieb's comments, the National Shooting Sports Foundation (NSSF) pointed out the FBI statistics "show that violent crime continues a downward trend that began in 2006. The figures show crime falling in all categories – robbery, aggravated assault, motor vehicle thefts, etc. – with murders down a remarkable 10 percent from the previous year.

"The FBI statistics undermine a favorite argument of anti-gun groups and some mainstream media that 'more guns equal more crime,' especially when you consider that the decrease in violent crime from late 2008 through the first half of 2009 occurred at the same time that firearm sales were soaring."

According to NSSF, "the most popular firearms selling at that time were handguns and modern sporting rifles (AR-style rifles) – two types of

firearms that anti-gunners never miss an opportunity to demonize. Law-abiding handgun owners have been filling concealed carry classes across the country, and AR-style rifles – long a favorite of target shooters – are growing in popularity among hunters as new calibers are introduced for small and big game."

As an indication of the enthusiasm with which law-abiding citizens consider gun ownership, NSSF cited a recent article from the *Boston Globe*, pointing out that, "The number of gun permits issued in Massachusetts surged by more than 15 percent over the last two years, reversing nearly a decade of steady declines and marking a pronounced departure for a state known for its antigun sentiment."

Mike Snipes, a former New York Police Department detective who now owns a private security firm, stated: "Studies have shown that the incidents of proper use of guns by U.S. citizens far outweigh any abuses or misuses. In my own career, most guns used in a crime are illegally obtained. If a suspect is willing to walk into a bank full of people to rob it, I doubt he'd be worried about violating some gun law.

"This obsession with gun control by politicians and activists has more to do with disarming law-abiding citizens and less to do with fighting crime."

SAVE THE DATE

25th Annual
Gun Rights Policy Conference
September 24-26, 2010
San Francisco Airport
Hyatt Regency

McDONALD V. CHICAGO PRESS CONFERENCE AT SHOT SHOW

Gun owners around the country are considering the impact of several recent and ongoing developments on their individual Second Amendment civil right to keep and bear arms.

On March 2, the United States Supreme Court is scheduled to hear oral arguments in an important Second Amendment case, *McDonald v. City of Chicago*. Plaintiffs in this case challenge the constitutionality of Chicago's handgun ban.

In the summer of 2008, in the landmark case of *District of Columbia v. Heller*, the Supreme Court declared that the Second Amendment contemplated an individual right, rather than a collective right as gun rights opponents argued. It nullified the District of Columbia statute prohibiting the private possession of handguns.

However, since the District of Columbia is a federal city, the *Heller* decision left open the question of whether or not the Second Amendment protects the gun rights of citizens and legal aliens against infringement by state and local governments.

That's what's at issue in the Chicago case.

The lead attorney for the pro-gun side in the Chicago case is the same gentleman who was the lead attorney for the pro-gun side in the *Heller* case.

That's constitutional lawyer Alan Gura of the Commonwealth of Virginia. Gura is a former CCRKBA Gun Rights Defender of the Month.

Alan Gura spoke about the importance of the case last month at a press conference in Las Vegas, Nevada during the Shooting, Hunting and Outdoor Trade Show, known throughout the pro-gun rights movement as the SHOT Show.

Gura indicated that the right to keep

and bear arms is a fundamental right of American citizens and legal aliens.

He said further that the McDonald challenge to the Chicago handgun ban is based on the idea that this right applies to citizens and legal aliens across the United States, and not just in Washington, D.C.

He said that the *McDonald v. City of Chicago* case "is important to assure that all rights apply to all citizens."

Gura said a favorable decision in the Chicago case would eliminate the Chicago handgun ban. He indicated that the next step from a legal standpoint toward expanding the individual right to keep and bear arms is incorporating the Second Amendment through the Fourteenth Amendment to apply to state and local governments.

Gura and other legal scholars maintain that the Fourteenth Amendment, ratified and added to the United States Constitution after the Civil War in the 19th Century, protects the civil rights of citizens and legal aliens from infringement by state and local governments as the Bill of Rights protects the civil rights of citizens from infringement by the national government.

Joining Gura at the SHOT Show news conference was CCRKBA Chairman Alan M. Gottlieb. Alan Gottlieb also is the Founder and Executive Vice President of the Second Amendment Foundation (SAF). Gura said the Chicago case "would not have happened without the support" of SAF.

Gottlieb said that Gura is leading gun rights legal challenges to a handgun roster in Washington, D.C. that was adopted after the Supreme Court's decision in the *Heller* case, and to tenets of the Gun Control Act of 1968 that prevent American citizens living abroad from buying legally firearms

when they come home to visit, because they are not legal residents of a state.

Speaking out at the SHOT Show news conference with Alan Gottlieb and Alan Gura was Lawrence Keane, Vice President of and Legal Counsel to the National Shooting Sports Foundation (NSSF), which sponsors the SHOT Show.

NSSF has filed an amicus (friend of the court) brief in support of the pro-gun rights side in the Chicago case. Keane said he expected the pro-gun side to prevail. He said that the people exercise the Second Amendment through the firearms industry. He said, too, that the right to keep and bear arms could become illusory eventually if laws that restrict the right continue to be allowed. A pro-gun victory in the McDonald case would be the "beginning of an era of litigation," he said, that ultimately will provide legal definition of that right.

Also obviously on the minds of gun owners is the impact on gun rights of the stunning election last month of Scott Brown, a Republican, in Massachusetts, to fill the remainder of the term of anti-gun leader Ted Kennedy, a top Democrat, who died last year after holding the seat for decades.

The election came as a shock to anti-gun politicians and media personalities throughout the country.

Commenting from the SHOT Show, Dave Workman, CCRKBA Communications Director, wrote that, "American gun owners may be starting to cautiously sigh relief. Maybe."

For more information on the case go to www.chicagoguncase.com

CCRKBA PROMOTES ARMS RIGHTS IN NEW HAMPSHIRE CONTROVERSY

CCRKBA has announced it is again joining with Knife Rights, Inc. to help protect the individual right to keep and bear arms.

Recognizing that an attack, whether firearms or knives, is an attack on Americans' Second Amendment rights, CCRKBA noted that CCRKBA members' support in 2009 was key in helping pass legislation at the federal level protecting our knife rights.

CCRKBA Chairman Alan M. Gottlieb and Knife Rights, Inc. Chairman Doug Ritter stated that, "New Hampshire State Representative Jennifer Coffey's Knife Rights bill has garnered national attention. Similar legislation is being considered in other states. They will be looking to see if this bill succeeds in New Hampshire, so this becomes much

more than a single state issue."

New Hampshire state law provides that, "Whoever, except as provided by the laws of this state, has in his possession with intent to sell, or carries on his person any stiletto, switch knife, blackjack, dagger, dirk-knife, slung shot, or metallic knuckles shall be guilty of a misdemeanor; and such weapons or articles carried by him shall be confiscated to the use of the state."

Late last year, Rep. Coffey developed a bill for introduction this year, to, among other things, delete the words stiletto, switch knife, dagger and dirk-knife from the current New Hampshire law allows its citizens to possess automatic or double-edged weapons (legally called "switch blades" and "daggers"), but not carry

them. Also, these knives cannot be sold in the state.

HB 1665 would legalize the sale and possession of these knives, but impose a separate criminal penalty if they're used on another person with the intent to commit a crime.

Rep. Coffey is the National Coordinator and a member of the Board of Directors of the Second Amendment Sisters, Inc.

"Rep. Coffey's bill removes the prohibition on these knives and focuses the law on the criminal use of the knives," states Gottlieb. "CCRKBA supports efforts that remove restrictions on ownership, carry and legitimate use of knives as tools and arms and recognizes that it is the criminal use of knives that should garner the law's attention."

CITIZEN ACTION PROJECT

Forty-five state legislatures are either now in session or will start within weeks. (Five states' legislatures only meet once every two years: MT, NV, ND, OR and TX, although special sessions may be called by the governor to address specific issues.) Most state legislatures are modeled after the federal Congress, with an upper (Senate) and lower (House, Assembly, etc) chamber. Nebraska is the sole exception to this, with a unicameral legislature composed of a Senate only.

Each citizen has one state senator and one or more state representatives (also called delegates or assemblymen) representing them in the legislature. While offices are partisan (e.g. held by Democrats, Republicans or other party members), elected officials have a responsibility to provide constituent services no matter what their (or your) party affiliation. Among these services is information on bills filed during the session.

This is the time to contact your elected legislators and ask them to keep you informed of any firearm-related legislation under consideration by the legislature during the current session. Most gun bills are run at the state level. As a minimum, they should provide you with bill numbers, a synopsis of the bill, and current status -- such as scheduled public hearings or committee/floor votes.

Contact information (telephone numbers, e-mail addresses and snail-mail addresses) for your legislators is available from a number of sources. Local legislators should be listed in the "State Government" blue pages in your telephone directory. Information concerning all state legislators is available at the National Conference of State Legislatures web site at <http://www.ncsl.org/?tabid=17173>. Your state rifle and pistol association or sport shooting association will also frequently provide this information.

CCRKBA NAMES NEW YORK ACTIVIST RIGHTS DEFENDER

CCRKBA for February names John L. Cushman of Patchogue, New York the CCRKBA Gun Rights Defender of the Month.

In nominating Cushman for the award, John M. Snyder, CCRKBA Public Affairs Director, said that, "John is a real trooper in the ongoing battle to preserve the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. He's been waging the fight in New York State, a real hot bed of gun-grabbing propaganda and activity, with indefatigable zeal. He truly deserves recognition as CCRKBA Gun Rights Defender of the Month."

Among the many ways in which Cushman promotes gun rights is through the Sportsmen's Association for Firearms Education, Inc. (SAFE), a Long Island-based not-for-profit corporation formed under New York State law, which he founded in 1993 and which he serves as President.

SAFE is a CCRKBA affiliate.

Working in the midst of anti-gun activity in New York, John Cushman set up SAFE to educate and inform the general public, the media, and elected officials concerning various aspects of lawful firearms ownership in the United States.

This includes the dissemination of information as to matters concerning firearms, the Second Amendment, the shooting sports and related activities.

It includes also the distribution and publication of articles, newsletters, letters to the editor, amicus curiae (friend of the court) legal briefs, and reports regarding firearms issues.

Through SAFE, John leads in the organization, presentation, and public forums, meetings and debates concerning firearms issues. Recently, the group sponsored its regular seminar on firearms civil rights, at which CCRKBA Chairman Alan M. Gottlieb was a featured speaker.

As part of its regular activities, SAFE compiles a comprehensive review of, and commentary on, pending federal, New York State, and local legislation and regulations involving firearms ownership. John Cushman says SAFE provides the review and commentary to all dues paying members and also to appropriate state and federal legislators along with a SAFE pro-gun position statement

SAFE provides in a timely fashion the names, addresses and phone numbers of people necessary for pro-gun individuals to contact regarding pending legislation or regulations. It also organizes support for or opposition to pending gun legislation.

John has spent over 35 years in the right to keep and bear arms civil rights battle. He holds the popular Second Amendment and firearm civil rights conference mentioned above annually in the heart of New York. He's a familiar face to many in the New York legislature because he has worked there tirelessly against anti-gun legislation.

John spent many summers in upstate New York working on dairy farms where he was introduced to hunting. He says his firearm education was greatly enhanced at age 17 when he joined the United States Marine Corps at Parris Island, South Carolina. His new-found friends began including him on hunts.

John earned a degree in indus-

trial labor relations/labor law from Cornell University. He embarked on a 39-year career in the trucking industry, working with its powerful unions. Cushman discovered that while some union leaders may be anti-gun this was not true of the members. He says the rank-and-file clearly understand the importance of the Second Amendment.

Now, through SAFE, Cushman and fellow instructors teach firearm safety and gun handling. His group has conducted NRA Women on Target clinics for the last six years and has trained more than 500 women in the safe handling of firearms.

An NRA Benefactor Member, John has served on the NRA Board of Directors for 16 years and on the NRA Whittington Center board for 15 years. One of his proudest moments came, he says, in 1998, when he was inducted in the New York State Outdoorsman Hall of Fame for his volunteer work.

Recently, John led SAFE in the presentation and co-sponsorship of the first CCW conference in the Empire State, "The Long Island Right to Carry Conference," featuring prominent speakers on right to carry, state and local license restrictions, civil rights, victims' rights, and the history of state gun control.

As SAFE President, Cushman requested and received an opinion from the state Division of Criminal Justice Services stating that fingerprinting and new application are unnecessary when firearms licensees are moving from one New York State county to a another.

John Cushman says: "We will keep our rights only as long as we are willing to fight for them."



QUICK SHOTS

Chicago Mayor Richard Daley sent city employees home without pay on Christmas Eve last December “just like Ebenezer Scrooge would have done,” yet he continues squandering scarce city funds defending an unconscionable and soon to be unconstitutional handgun ban, said CCRKBA Chairman Alan M. Gottlieb. “This is an indefensible ban designed to leave Chicago citizens defenseless,” Gottlieb continued, “yet Mayor Daley is perfectly comfortable pouring public funds down a hole darker than the grave of Jacob Marley, clinging to a law that has been a public safety disaster. This folly has cost the citizens of Chicago and what do they have to show for it? Public employees didn’t even get a lump of coal in their Christmas stockings, only a day off without pay. Daley has had years to repeal this law and turn over a new leaf, but his only response essentially has been ‘Bah, Humbug’!”



Before the First Session of the 111th Congress adjourned in December, the House of Representatives restored a longstanding pro-gun rider in the Department of Defense Appropriations Act for 2010, H.R. 3326. The rider provides that, “None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize small arms ammunition or ammunition components that are not otherwise prohibited from

commercial sale under federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for future use.”



Late last year the American Civil Liberties Union of Washington vowed to monitor legislative reaction to three different police shootings in Washington State to make sure the proposals ultimately do not violate people’s rights if they become law. CCRKBA reminded ACLU that the right to keep and bear arms is a constitutionally-protected right, and demands the same protection from legislative abuse as any other civil right. “While our thoughts and prayers remain with the families of those officers who have been murdered in recent weeks,” said CCRKBA Chairman Alan M. Gottlieb, “we share the ACLU’s concern that the legislature’s reaction may be to clamp down on the rights of law-abiding citizens, as well as the rights of criminal suspects, without actually accomplishing anything... Some lawmakers are using these police shootings to advance their personal anti-gun agenda, calling for legislation to ban firearms that were not even involved in any of the recent incidents. We also expect an attack on gun shows. When the time comes to fight these battles, we will be delighted if the ACLU joins in that battle. A civil right is a civil right.”



In Tennessee, a car burglar reportedly was shot in self-defense when he was caught in the act and then became aggressive towards his would-be victim, relates Eric Puryear. Police say that during the middle of the night a Putnam County resident found a burglar in his car. The resident reportedly ordered the burglar out and tried to detain him at gunpoint until the police could arrive and assist him. The burglar reportedly became aggressive toward the resident, causing the resident to fire in self-defense. The burglar reportedly was hit multiple times and fled. Later, police arrested a suspect, reportedly identified as 33-year old Kenneth Wayne Jones. Jones reportedly was taken to a nearby hospital, and then transferred to another hospital. The burglary victim was unharmed.



The United Nations is poised for a gun grab, writes former Congressman Tom Tancredo of Colorado. “Arms control bureaucrats at the United Nations and dozens of NGOs (that’s non-governmental organizations in non-bureaucratic lingo) have been busy for two decades talking and negotiating among themselves to produce an international treaty regulating the sale of small arms,” he states. “A U.N. resolution adopted in October calls upon member nations to negotiate the matter and finish writing a treaty by 2012. The United States voted for the resolution, which was adopted almost unanimously.”

4

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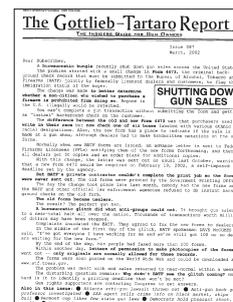
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