



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



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FOR THE RIGHT
TO KEEP AND
BEAR ARMS**

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CCRKBA ENDORSES SECURE ACCESS BILL

CCRKBA has endorsed H.R. 990, the proposed Secure Access to Firearms Enhancement (SAFE) Act of 2003, introduced by Rep. John N. Hostettler of Indiana, a CCRKBA Congressional Advisor.

The bill has been referred to the House Judiciary Committee.

"Did you know that honest citizens across our nation use firearms to defend themselves against criminals two million times a year," asked Rep. Hostettler in a letter he wrote to other Representatives requesting them to cosponsor the bill. "Moreover, of the two million self-defense cases, more than 200,000 are by women defending themselves against sexual abuse.

"Although some of these cases of self-defense occur while at home, the need for protection does not decrease when one travels from home. In fact, as many as one-half million times every year, gun owners will defend themselves while they are away from their homes. Many of these individuals are concealed carry permit holders."

It is for this reason, wrote the Indiana lawmaker, that he introduced the SAFE Act. According to Hostettler, if this bill becomes law, it will provide for concealed carry reciprocity among the states. Henceforth, any citizen entitled to carry a concealed firearm in his or her home state would be legally able to carry that firearm in any other state.

"The SAFE Act is a positive step toward restoring the Second Amendment right to carry arms for the law-abiding citizens in this country," Hostettler wrote. "It allows individuals to protect themselves through their constitutional right to bear arms."

CCRKBA Public Affairs Director John Michael Snyder announced the group's support for Hostettler's legislation.

"We urge CCRKBA Members and supporters and gun rights enthusiasts generally to contact their own U.S. Representatives and urge them to cosponsor H.R. 990," Snyder said. "Studies show that, when law-abiding citizens are able to carry guns for self-defense, violent crime rates take a nose dive. The Hostettler bill, if enacted into law, will facilitate this and help make our country safer for innocent people."

The proposed SAFE Act 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 allows concealed carry, or the person is otherwise entitled to carry a concealed firearm, may carry in any state in accordance with the terms of the license or with the laws of the state of the person's residence, subject to the laws of the state in which the firearm is carried.

'BLOOD OF THE INNOCENT ON HANDS OF THE GUN-GRABBERS' SAYS SNYDER

"Anti-gun politicians, publicists, and church and police officials must share in the blame for the atrocious murder of three innocent restaurant workers at Colonel Brooks' Tavern here in the nation's capital," declared John Michael Snyder, Public Affairs Director for the Citizens Committee for the Right to Keep and Bear Arms.

Snyder said in a prepared statement, "The local gun-grabbing establishment has created a situation here in which innocent people are unable legally to defend themselves against violent criminals. These idiotic paragons of public rectitude have managed to prohibit law-abiding citizens from even acquiring, let alone carrying, a handgun, obviously a most practical instrument of self-defense. The ruthless, murderous criminals know this, know they are able to victimize the innocent, and do so. That is why, in a very real sense, the blood

CCRKBA ON NAACP LAWSUIT

The NAACP's specious contention that the courts somehow should take responsibility for regulating firearms in this country is one more example of the need for Congress to pass legislation barring more frivolous lawsuits against the firearms industry, CCRKBA said last month.

The NAACP has even less standing as a plaintiff in this type of lawsuit than municipalities, which have continually seen their complaints dismissed in courtrooms across the country, said CCRKBA Chairman Alan M. Gottlieb. Yet the NAACP is pushing its lawsuit against more than 80 firearm manufacturers in federal court before Judge Jack B. Weinstein, whose impartiality already has been questioned by the gun industry.

NAACP President Kweisi Mfume alleged from the witness stand that

of the innocent is on the hands of gun-grabbing politicians, publicists, prelates and police officials."

"These SAPS – self-appointed progressives – should be ashamed of themselves," he added.

The triple slaying occurred early in April as three kitchen workers at the Washington, D.C. restaurant were shot to death in a robbery.

Police later said that between \$2,000 and \$3,000 was stolen from the restaurant during the robbery.

Snyder pointed out that each year a survey of United States chiefs of police and sheriffs conducted by the National Association of Chiefs of Police (NACOP) shows that over 90 percent of these command officers believe that law-abiding citizens should be able to purchase guns for sport or self-defense.

He noted that, "fortunately, a num-

"I don't think the government has the right regulations."

In reality, though, Gottlieb observed, "the firearms industry is among the most regulated industries in the country. For Mr. Mfume to suggest otherwise is preposterous. The only regulations that anti-gunners like Mr. Mfume would ever support would be laws that strip law-abiding Americans of their gun rights."

Gottlieb said this lawsuit is nothing more than a headline hunt, designed more to drain the industry financially than to find an answer to gun violence. He said the case serves as one more reason that Congress needs to pass pending legislation than bans such suits.

ber of local residents have challenged the outrageous, murder-promoting D.C. gun law in federal court, in *Parker v. District of Columbia*. We certainly commend these citizens and their supporters and hope for the success of this legal action. Beyond that, we'd like to see Congress intervene and, not only outlaw the D.C. gun ban, but also provide for the mandatory issuance of permits to carry concealed handguns to qualified applicants."



POINT BLANK

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

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CCRKBA SUPPORTS CRAIG CIVIL LIABILITY LEGISLATION

The Citizens Committee for the Right to Keep and Bear Arms has thrown its support behind legislation, sponsored by Sen. Larry Craig of Idaho, that would prohibit civil lawsuits against manufacturers, distributors, dealers or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Craig is a CCRKBA Congressional Advisor and CCRKBA Gun Rights Defender of the Month Award recipient.

Sen. Craig's bill, S. 659 is the Protection of Lawful Commerce in Arms Act. It has been referred to the Senate Judiciary Committee.

CCRKBA Public Affairs Director John Michael Snyder noted that it is identical to the House version, H.R. 1036, by Rep. Cliff Stearns of Florida, also a CCRKBA Gun Rights Defender of the Month award recipient, which

the House approved early last month by an overwhelming 285-140 vote.

Over half the members of the U.S. Senate, Democrats as well as Republicans, already have signed on as cosponsors of S. 659.

Sen. Craig said that is an "extraordinary showing of support" for a bill, and that it is a "testament" to the gravity of the threat addressed by the legislation: the abuse of our courts through lawsuits filed to force law-abiding businesses to pay for criminal acts by individuals beyond their control.

He said that "the businesses I am talking about are collectively known as the U.S. firearms industry. The lawsuits in question claim that even though these businesses comply with all laws and sell a legitimate product, they should be responsible for the misuse or illegal use of the firearm by a criminal. These actions are pur-

sued with the intent of driving this industry out of business, regardless of the thousands of jobs that would be lost in the process and the impact on citizens across the nation who would never contemplate committing a crime with a gun."

Sen. Craig said that "the theory on which these lawsuits are based would be laughable, if it weren't so dangerous: to pin the responsibility for a criminal act on an innocent party who wasn't there and had nothing to do with it."

"They argue that merely by virtue of the fact that a gun was present," Craig observed, "those who were part of the commercial distribution should be held responsible for the gun's misuse. This isn't a legal theory – it's just the latest twist in the gun controllers' notion that it's the gun, and not the criminal, that causes crime."

He called S. 659 a "measured response" that would put a stop to what he sees as "an abusive trend without endangering legitimate claims for relief."

"It does not insulate the firearms industry from all lawsuits or deprive legitimate victims of their day in court, as some critics have charged," Craig insisted. "Indeed, it specifically provides that actions based on the wrongful conduct of those involved in the business of manufacturing and selling firearms – breaches of contract, defects in firearms, negligent entrustment, and criminal behavior – would not be affected by this legislation. It is directed solely at stopping frivolous, politically-driven litigation against law-abiding individuals for the misbehavior of criminals over whom they had no control."

WASHINGTON THINK TANK HOLD

by John M. Snyder, Editor

Does the Second Amendment to the United States Constitution contemplate an individual right to keep and bear arms or a collective right?

That is the question at the heart of the controversy surrounding one of the most long-standing legislative and political questions of the day.

There was a time when this was not a question at all. During most of the years of our republic's history, acceptance of the individual right concept was so widespread as hardly, if ever, seriously to be questioned.

In the latter part of the last century, though, in about the mid-1960s, a number of politicians, publicists, academicians, entertainers and professional axe-grinders began to advance the idea that Americans have been mistaken about one of their core traditions, that the Founding Fathers were thinking not about an individual right to keep and bear arms but about some kind of a collective right. This intellectual and political onslaught on the traditional and generally accepted meaning of the Second Amendment led to a number of counterattacks defending the traditional meaning and that in turn led to renewed attacks on that meaning.

While it appears that, on the intellectual level at least, the individualists have taken command of the battlefield; nevertheless the collectivists still maintain bastions of support and still are able to fire away verbally from those bastions.

It is into that fray that there occur periodically gatherings of scholars, intellectuals, writers and so on to consider various aspects of the two major positions vis-à-vis the meaning of the Second Amendment.

One of these get-togethers occurred recently in Washington, D.C.

during a forum, "What is the True Meaning of the Second Amendment?," sponsored by the American Enterprise Institute (AEI) a right-of-center think tank.

The stimulus for the February panel discussion was the fact that, as AEI put it, "recently, the Department of Justice changed its policy statement on the Second Amendment from one that saw the right to bear arms as a collective right to an individual one."

The panelists included Robert A. Goldwin, resident scholar of constitutional studies at AEI and former dean of St. John's College in Annapolis, Maryland; Robert J. Cottrol, the Harold Paul Green Research Professor of Law and Professor of History at George Washington University in Washington, D.C.; Akhil Reed Amar, the Southmayd Professor of Law at Yale Law School in New Haven, Connecticut; and Sanford V. Levinson, the W. John Garwood and W. St. John Garwood, Jr. Centennial Chair in Law and Professor of Government at the University of Texas.

The moderator was John C. Fortier, a research associate at AEI, where he is Executive Director of the Continuity of Government Commission and Project Manager of the Transition to Governing Project.

Goldwin argued that the Founding Fathers, in contemplating the right to keep and bear arms, always considered it in a military context. The Second Amendment, he said, was intended to protect the right of the states to maintain a militia and the right of that militia to keep and bear arms.

"Individual gun ownership was never mentioned in any evolving version of the amendment, and was never discussed in recorded debate," he observed.

Although the Second Amendment does not guarantee an individual right for gun ownership, said Goldwin, "the Constitution protects the right to own a gun under the Ninth Amendment. Like owning or driving a car, possessing a gun is a right that although not enumerated in the Constitution, does exist, and is subject to regulation. Whether one construes the right to personal gun ownership to descend from the Second or Ninth Amendment, the policy consequences are the same. However, under the Ninth Amendment, legislators can discuss regulations without fearing the constitutional consequences of 'infringing' on the right to bear arms."

He said also that, although the Second Amendment does assure the right of an armed citizenry to protect against the national government, "nowhere does the Constitution issue the right to rise in armed rebellion against the government."

Cottrol stated clearly that, to understand whether the right to bear arms was meant as an individual or collective right, "we must look not only at the amendment's historical origins, but also at its linguistic roots."

Cottrol referred to "three constitutional moments of significance to the Second Amendment debate." The first of these was the English Bill of Rights of 1689, "which secured the right to arms for Protestants. From William Blackstone's *Commentaries on the Laws of England*, we learn that the right to bear arms was the fifth auxiliary right to the three primary rights of personal security, personal liberty, and private property."

He said that the second moment involved understanding the language used in the United States Bill of Rights as essential to understanding

LDS SECOND AMENDMENT FORUM

er, Editor, Point Blank

the interpretive context of the Second Amendment. He indicated that the first part of the Second Amendment, “a well regulated Militia, being necessary to the security of a free State,” holds no “legal requisite. There is no command or right granted by these words. However, the second clause of the amendment, ‘the right of the people to keep and bear Arms shall not be infringed,’ contains the imperative and has legal validity.”

“By looking within the Bill of Rights itself,” he said, “specifically the First Amendment, the language, debate, and consequential judicial elucidation of the text, point to an individualist interpretation. There is no evidence that the Framers intended the usage of ‘the people’ to be different in the text of the Second Amendment.”

Cottrol said that the third moment arose from the events preceding and following the passing of the Fourteenth Amendment. This amendment itself holds conclusive evidence for an individualist interpretation of the Second Amendment, he said, “as its purpose was to apply the individual rights of the first two amendments to the states.”

Amar also talked about “moments” as essential to understanding the meaning of the Second Amendment. For him, though, the moments gradually develop into a proper understanding of the meaning of the Second Amendment.

The first moment for him was the Revolutionary War preceding context of the Second Amendment, and he said that the amendment “was very much a product of the Revolution. The local men made up the amateur militia and became local war heroes. The Founders were fearful of establishing a standing army similar to

the British army. The amendment at its heart is a military one.” He said that the use of the term “the people” means “the militia,” but that the use of “the people” here speaks to the political people.

“The militia was not paid or professional, rather they were members of the general society obligated to serve, similar to the duty of citizen jurors. This concept of the militia does not exist today,” he stated.

The second moment for Amar was the reconstruction period and, he placed much emphasis on the significance of the Fourteenth Amendment in understanding the true meaning of the Second Amendment. He said that, “the 1866 companion statute to the Fourteenth Amendment affirms laws concerning personal liberty and private property, including the right to bear arms.”

The answer to the question of fundamental rights may best be found in the third moment of the national narrative, he said, “state constitutions. Almost all state constitutions explicitly talk about a right to bear arms and apply it to personal use. These constitutions have for the most part been revised and rewritten in the last 20 years and offer the best barometer of current public belief that the right to bear arms is a fundamental, and individual, right.”

Levinson said that, “throughout history, people have understood the Second Amendment to place more emphasis on individuals, not the development of the militia.”

He said also that, “the question of whether the Second Amendment is an individual or collective right demonstrates that there is a fallacy of the excluded middle. When people discuss a collective right, it conjures up images of a state-run militia.

When they speak of the individual, it portrays the picture of fairly atomized individuals using guns to hunt or protect their homes. Both of these images are incorrect. The Second Amendment never meant to restrict gun use to the militia. However, there is no evidence to support that the amendment has anything to do with hunting or protection. The excluded middle is the concept of a communitarian right, the vision of individuals possessing arms acting together as a community to protect themselves, if needed, from a tyrannical government. An individual would not make an effective revolutionary by himself, and it was never intended that he would. This, in effect, answers the outlandish question of whether an individual has the right to bear a weapon of mass destruction. Such a weapon would allow one individual to become a tyrant and defeats the intention of the amendment.”

Levinson said that the Second Amendment “takes very seriously the potential for sedition and armed rebellion against the government. Although the Constitution does not authorize rebellion, the document is a product of a revolutionary period and necessarily recognizes that there must be a legitimate amount of risk to the government in order to create and preserve a free society. One of those risks is to allow citizens of the nation to keep and, if need be, bear arms.”

FORMER FBI AGENT EARNS MAY CCRKBA AWARD

Former FBI Agent Gary Aldrich is the recipient of the CCRKBA Gun Rights Defender of the Month Award for May.

According to John Michael Snyder, CCRKBA Public Affairs Director, "Gary is a true American patriot and outspoken defender of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

"Since leaving the FBI in the early 1990s, Gary has devoted himself to our country," he continued, "founding and directing the Patrick Henry Center for Individual Liberty, and writing in a most articulate manner in defense of the Second Amendment. He and his wife, also a former FBI agent, have formed a group called the Patriettes, an offshoot of the Center, which trains certain qualified women volunteers in the safe and efficient use of handguns. I am proud to say that my wife has completed successfully this course and now is an official 'Patriette.' Gary is most deserving of this award."

During last year's series of sniper attacks occurring in the Washington, D. C. - Maryland - Virginia area, Aldrich wrote, "those who preach gun control is the answer to violent crime will have no immediate comment when the shooter is eventually arrested or killed. That's because Maryland and the District of Columbia have some of the toughest gun laws in the country. These overlapping, and some say unconstitutional, gun laws have done nothing to make Maryland and D.C. safer. Layer upon layer of gun laws simply don't work..."

"All of the conventional statistics prove that when citizens have the right to arm themselves and carry concealed weapons, the crime rate goes down," Aldrich continued. "The

killer now confines most of his activities to the state of Maryland. Could it be that he (or they) know they have little to fear from the law-abiding citizens who are helpless against such armed killers? If one person had been armed on that train in Long Island, or if one school official had been armed at Columbine, could there have been a different outcome?"

One thing is for certain, Gary wrote, "Those who live in states that permit their law-abiding to carry concealed weapons have citizens who have less to fear from armed terrorists, whether foreign or domestic. Citizens of these states constitute a volunteer army of law enforcement officers multiplying the number of possibilities of stopping this madness from continuing."

In 1996, Aldrich was the first to break the code of silence surrounding the Clinton Administration. In his book, *Unlimited Access: an FBI Agent Inside the Clinton White House*, Aldrich exposed the questionable behavior and serious breaches of security he witnessed while performing background checks on White House personnel. The book quickly skyrocketed to the top of The *New York Times* Bestseller List and stayed on the list for 20 weeks.

Aldrich has made thousands of major radio, TV and speaking appearances, including *This Week*, *Meet the Press*, *Inside Edition*, and *Dateline*. In addition, he has appeared at more than 100 fundraising events across the country. He has authored editorial pieces for such publications as *Human Events*, *The Wall Street Journal*, *Insight Magazine*, and *The Daily Oklahoman*.

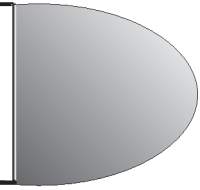
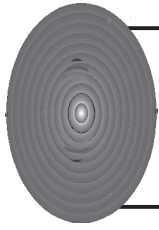
A 26-year veteran of the FBI, Aldrich specialized in white-collar crime, including fraud and political corruption. For five years prior to

retiring, he served Presidents George H. W. Bush and Clinton, conducting more than 10,000 White House interviews and over 2,000 presidential background checks. In addition, he acted as Senate and House Liaison Agent, working closely with U.S. Senators and Representatives on a variety of issues.

In January, 1998, he founded the Patrick Henry Center, a non-profit foundation which strongly supports the right of citizens to engage in ethical dissent. It supports Whistle Blowers, and even has a civilian version of the "Witness Protection Program."

"One obvious way government treats citizens like children," wrote Aldrich, "is the endless attempt to disarm the population. This in spite of the clear wording in the Constitution that guarantees our right to own and bear arms. In states like Virginia, violent crime continues to go down while citizens avail themselves with concealed-carry permits that the state must issue whenever shown proof of the required training..."

"Recently, the Patrick Henry Center has been training dozens of women, empowering them to carry firearms," Aldrich said. "We've trained nearly 100 D.C.-area women so far, and we'll train many more before the end of next year. These newly energized and equipped citizens not only are exercising their rights, but they also are experiencing a new-found freedom - freedom from the constant fear of attack from violent predators."



In California, a spokesman for Wal-Mart Stores, Inc. said the company agreed to halt temporarily firearm sales in the Golden State. This is the first time the largest retailer in the country has stopped gun sales across an entire state. The company made the decision in response to a statement from the office of the anti-gun state Attorney General, Bill Lockyer, that Wal-Mart stores in the Central Valley committed nearly 500 violations of the state's gun laws, including selling weapons to felons and releasing firearms to buyers before the end of the 10-day waiting period. Wal-Mart spokesman Robert McAdam said the company is committed to correcting the problem.

In Maryland, a federal appeals court vacated a lower court's ruling that had declared illegal a 2001 Montgomery County law restricting gun shows. The law sought to cut off county funding to any public or private organization that allowed gun sales and firearm displays. As a result, the privately owned Montgomery County Agricultural Center, which had received about half a million dollars in taxpayer money, temporarily refused permission to Silverado Productions to host its semi-annual gun shows at the facility as it had been doing since 1990. The Fourth Circuit Appeals Court sent the case back to District Court to decide a question of jurisdiction.

In Washington, D.C., anti-gun Rep. Robert E. Andrews of New Jersey introduced H.R. 1171, a proposed Iris Scan Security Act of 2003. Referred to the House Judiciary Committee, it would authorize

the Attorney General of the United States to award grants to law enforcement agencies to use iris scanning technology to conduct background checks on individuals who want to purchase guns. *Point Blank* readers interested in this measure could contact the Chairman of the House Judiciary Committee, Rep. F. James Sensenbrenner by writing him at 2128 Rayburn House Office Building, Washington, D. C. 20515, by phoning him at (202) 225-3951, or by faxing him at (202) 225-7682.

In Ohio, when the city of Cincinnati sued gun manufacturers and distributors in 1999, hoping to recover costs supposedly incurred as a result of violence "related" to firearms, reports the *Cincinnati Post*, "gun companies shuddered." Now, however, they are firing back, asking the city in court documents to substantiate all of its allegations before the case goes to trial in September, a request city attorneys are resisting, calling it "impossible." Attorneys for Beretta USA Corp. and other gun manufacturers and distributors want to know exactly how their sales increased gun-related violence, drove up crime, forced the city to hire more police, increased medical bills and taxes and decreased property values.

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inspectors. Referred to the House Judiciary Committee.

In New York, an anti-gun Brooklyn city councilman led about a dozen gun control advocates to City Hall last month to call on Congress to throw out two bills that would protect gun makers and sellers from third-party lawsuits. These are the bills, discussed elsewhere in this and previous of *Point Blank*, which would prohibit any lawsuit against a gun manufacturer or seller by a city, state, private individual or private group, unless they could show the manufacturer or seller had prior knowledge the gun would be used to commit a crime. Councilman David Yassky said the proposal would, "put handcuffs on New York as we try to defend ourselves against the gun industry."

Anti-gun Rep. James R. Langevin of Rhode Island, with over 20 co-sponsors, has introduced H.R. 1540, the proposed Crackdown on Deadbeat Dealers Act of 2003, to increase the permitted number of annual compliance inspections by federal law enforcement inspectors of licensed firearm dealers; to raise the maximum criminal penalty for dealers who knowingly violate the law by committing serious record-keeping offenses that can hinder tracing guns used in crimes; and to authorize \$320 million in grants for five years to hire 500 additional ATF

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