

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



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

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# NOW IS THE TIME TO GO FOR BROKE

Now is the time to go for broke, to pull out all the stops in support of S. 659, the proposed Protection of Lawful Commerce in Arms Act introduced by Sens. Larry Craig of Idaho, a CCRKBA Congressional Advisor and CCRKBA Gun Rights Defender of the Month Awardee, and Max Baucus of Montana.

Over half the U.S. Senators have signed on as cosponsors. An identical measure already has passed overwhelmingly in the House of Representatives. However, gun grabbers in the Senate are threatening to mount a filibuster against the bill. To stop a filibuster, which could prevent an up or down vote on the bill itself, gun rights advocates need to line up the support of at least 60 United States Senators.

So, it is time for all CCRKBA Members and Supporters and believers in the Second Amendment civil right to keep and bear arms to telephone, fax, and/or e-mail their two U.S. Senators and urge them to support S. 659, the proposed Protection of Lawful Commerce in Arms Act. The general switchboard telephone number for the U.S. Senate is (202) 224-3121.

It is very important that this measure be enacted into law. It would block the baseless lawsuits being brought by anti-gun groups and the greed-soaked strivings of a number of trial lawyers in a combined effort to bankrupt the American firearms industry. Underpinning S. 659 is a recognition of what these lawsuits really are all about – a shameful attempt to use the courts to advance a stalled anti-gun legislative agenda, a truly flagrant abuse of our American judicial system.

S. 659 seeks “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.” It would require that any “qualified civil liability action” pending on the bill’s date of enactment be dismissed immediately by the court in which the action was brought.

The proposed Protection of Lawful Commerce in Arms Act would seek to “preserve a citizen’s access to a supply of firearms and ammunition for all lawful purposes, including hunting, self-defense, collecting, and competitive or recreational shooting.”

It would find, directly and specifically, that citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms.

So, now really is the time to go for broke, to leave no stone unturned in getting your pro-gun relatives, friends and associates to contact both of their U.S. Senators and urge them to support this most significant pro-gun legislative proposal.

# CCRKBA SUPPORTING HATCH PERSONAL PROTECTION BILL

CCRKBA supports S. 1414, the proposed District of Columbia Personal Protection Act introduced by U.S. Senate Judiciary Committee Chairman Orrin Hatch of Utah with 18 original cosponsors.

CCRKBA Public Affairs Director John Snyder said that if the measure becomes law, it "certainly would go a long way to remove an intolerable burden placed on law-abiding Washington, D.C. residents by the D.C. government. As things stand now, decent people in the Nation's Capital are unable to obtain the necessary means with which to defend themselves against violent criminals. It is an absolute disgrace that people in the Capital of the world's greatest nation are unable to protect themselves, even in their own homes, against violent thugs."

He noted that, "under current D.C. law, decent people can't get a handgun for defense of themselves and their families, even in their own homes. In addition, they can't keep rifles or shotguns loaded or even fully assembled. This whole situation has allowed violent criminals to run rampant, knowing they can't be stopped. The law is a monument to stupidity."

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S. 1414 would permit law-abiding citizens to possess handguns and rifles in their homes and businesses, repeal the registration requirements for firearms and ammunition and eliminate criminal penalties for the possession and carrying of firearms by people in their homes and businesses. It would also correct an erroneous provision which treats some firearms as if they are machine guns.

Under the U.S. Constitution, the District of Columbia has a special status as a federal city and the federal government may exercise authority over the city.

The bill would amend the D.C. Code so that the municipal government could not prohibit, or unduly burden the ability of law-abiding citizens to acquire firearms for sporting, self-protection or other lawful purposes.

In proposing the bill, Sen. Hatch said "It is time to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators. All too often, we read in the paper about yet another vicious murder carried out against an innocent District of Columbia resident. Try to imagine the horror that the victim felt when he faced a gun-toting criminal and could not legally reach for a firearm to protect himself. We must act now to stop the carnage and put law-abiding citizens in a position to exercise their right to self-defense. It is time to tell the citizens of the District of Columbia that the Second Amendment of the Constitution applies to them, and not only to their fellow Americans in the rest of the country. The District of Columbia Personal Protection Act would do exactly that."

Sen. Hatch is a CCRKBA Congressional Advisor and holds a CCRKBA

Gun Rights Defender of the Month Award.

"We commend Sen. Hatch for his efforts in support of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms," Snyder said. "We heartily applaud him and the 18 original cosponsors for taking this step in support of the right of self-defense of law-abiding Washington, D.C. residents. We intend to do whatever we can to ensure enactment of the proposed law."



## POINT BLANK

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

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## CCRKBA ENDORSES RKBA RESOLUTIONS IN CONGRESS

CCRKBA recently announced its support for two congressional resolutions specifically endorsing the individual Second Amendment right of law-abiding citizens to keep and bear arms.

One of these, H. Con. Res. 179, was submitted to counter a recent appellate court ruling opposing the individual right to keep and bear arms.

The other, H. Con. Res. 251, offered at CCRKBA request in each Congress since 1984, is designed to counter all of the attacks on the individual right interpretation of the Second Amendment. Both have been referred to the House Committee on the Judiciary.

"It is heartwarming to realize that certain Members of Congress appreciate the necessity of putting our national legislature on record as affirming that the Second Amendment does indeed refer to an individual, as opposed to a collective, right to

keep and bear arms," stated CCRKBA Public Affairs Director John Michael Snyder.

H. Con. Res. 179, expressing the sense of Congress with respect to the Second Amendment, by Reps. Chris John of Louisiana and Cliff Stearns of Florida, (the latter a CCRKBA Gun Rights Defender of the Month Award recipient), would affirm the "sense of Congress" that the Second Amendment guarantees an individual right to keep and bear arms.

The other resolution, H. Con. Res. 251, offered by Rep. Philip M. Crane of Illinois, a CCRKBA Congressional Advisor, supports the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors. It affirms a "sense of Congress" that the Constitution provides that all individual citizens have the right to keep and bear arms, superceding the power and authority of any govern-

ment. Rep. Crane is chairman of the House Ways and Means Subcommittee on Trade.

"He has been an outstanding, courageous and articulate defender of the right of law-abiding citizens to keep and bear arms," said Snyder.

Rep. Crane holds CCRKBA Gun Rights Defender of the Month, CCRKBA Gun Rights Defender of the Year, and CCRKBA Special Lifetime Achievement awards.

We urge CCRKBA Members and Supporters to contact the Chairman of the House Judiciary Committee, Rep. F. James Sensenbrenner of Wisconsin, 2131 Rayburn House Office Building, Washington, D.C. 20515, phone 202-225-3951, fax 202-225-7682, as well as their own U.S. Representative, and request their support for these legislative initiatives."

## MURDEROUS CARJACKINGS PROVE CCW VETO LEAVES CITIZENS VULNERABLE

A violent string of carjackings and a murder over one recent weekend in St. Louis, MO are ample proof that Gov. Bob Holden's veto of legislation that would have enabled Missouri residents to defend themselves against armed criminals was a terrible mistake that must be resolved by the legislature, said CCRKBA Chairman Alan Gottlieb.

He called the carjackings "a clear signal" by the criminal element that they will take full advantage of Gov. Holden's action.

"With a stroke of his veto pen, Bob Holden sent a message to Missouri's criminals that it's open season on the public, with no fear that victims can

fight back," Gottlieb stated. "Lawmakers in the 'Show Me State' need to show some backbone in September and override Holden's irresponsible veto."

The St. Louis Post-Dispatch reported that three motorists were wounded, and a man walking with his wife was gunned down over the weekend.

"How big a body count does Holden need in order to understand that his arrogance will cost people their lives," Gottlieb wondered. "How many Missourians need to be victimized before Holden admits his mistake? Perhaps he does not hold the lives of his citizens in the same

high regard as do the governors of New Mexico, Minnesota and other states, where concealed carry is now the law. Thirty-five states now have right-to-carry laws on the books, and these laws work.

"Holden's veto of a common-sense concealed carry law was wrong, and next month the Legislature can make things right," Gottlieb continued. "Blocking a sensible law has left Missouri citizens at continued risk from a criminal element that obviously doesn't care about hurting people... Missouri residents have every right to wonder whether Gov. Holden cares if they get hurt, either."

# CCRKBA OFFICIALS TAKE ON TSA, BAS

Fed up with federal bureaucrats' foot dragging on implementing the armed pilots program for airline safety, CCRKBA officials recently unleashed a scathing attack on officials of the federal Transportation Security Administration (TSA).

In an column appearing in The Washington Times, CCRKBA Executive Director Joe Waldron, and CCRKBA Communications Director Dave Workman charged that, "all the posturing about airline security and passenger safety is reportedly giving way to bean counters and bureaucrats more interested in talk than action."

The same day that the Times published this column, the TSA reportedly back-pedaled on its proposal to make cuts in the sky marshal program.

At issue were proposals including the elimination of security on flights requiring lawmen to stay overnight in hotels while away from home. Waldron's and Workman's remarks struck a nerve with readers and Workman was subsequently interviewed by Judicial Watch.

"At the same time TSA is cutting federal air marshal flights, because it doesn't want to pay for accommodations for tired lawmen," Waldron and Workman wrote, "the agency is continuing to drag its feet on the program for training pilots to fly armed.

"This isn't just another example of bureaucratic stupidity; it is a textbook case of criminal negligence. If TSA Chief James Loy and Homeland Security Secretary Tom Ridge cannot grasp the importance of both programs to national security, then it's time for them to clean out their desks, go home and write their memoirs. The nation cannot afford this kind of empty leadership."

The CCRKBA officials noted that, "the disclosure ironically coincided with the revelation that al Qaeda may be planning more suicide hijackings here and abroad. It left anyone with even mediocre intelligence to wonder just what Messrs. Ridge and Loy are thinking, if they are thinking at all.

"Insiders – make that air marshals – have tipped off MSNBC that the program is 'suffering budget troubles' and the bureaucrats (who presumably don't fly on commercial jets, considering their evident growing disinterest in security) are looking for ways to cut costs," they continued. "In this case, cutting costs translates to cutting corners, and the consequences of doing things on the cheap should have become obvious about the time that the World Trade Center was tumbling into a cloud of dust and the Pentagon was burning."

Waldron and Workman recalled that when CCRKBA originally proposed that commercial pilots fly armed, "early on the afternoon of Sept. 11 we weren't looking for publicity, just prevention. It was gratifying that so many others quickly grasped the importance of passenger safety and cockpit defense – concepts that now appear to have escaped Mr. Ridge and Mr. Loy, if they were ever present at all.

"Members of Congress, airline pilots, passengers and survivors of the Sept. 11 attacks never again want our collective guard to be let down," they wrote. "We're not so sure about the budget cutters who are now trying to quietly trim the airline security program."

They wrote that the CCRKBA "call for armed pilots was based on common sense and history. It was obvious from the start that at some point all the hand-wringing about putting sky

marshals on commercial jets would give way to budget considerations. It only seemed natural to arm pilots, because sooner rather than later, it was predictable that not every airplane would have a sky marshal, but they would all still have pilots.

"It's not like pilots can't learn to shoot," wrote Waldron and Workman, who are both firearms instructors. "After all, they've learned to fly airplanes. What's more difficult? We trust them at the controls of a jumbo jet, why not in control of a handgun to defend that jet?"

The TSA, though, they stated, "has deliberately dragged its feet on the armed pilot program, inventing one roadblock after another to discour-

# BUSH 'BUREAUCRATIC FOOT-DRAGGING'

age pilots and delay implementation of the congressionally mandated training program. It is time for some answers."

Among the questions that TSA should answer, wrote Waldron and Workman, are:

1. Why should American citizens be expected to submit to screening procedures that treat them like criminals, when the TSA is deliberately slashing airline security?

2. Why has TSA suspended up-graded training for air marshals, according to MSNBC?

3. Why has armed pilot training been shifted from Georgia to New Mexico, creating just one more impediment in a program already de-

liberately littered with bureaucratic potholes?

They noted that TSA spokesman Bruce Turmail insisted to MSNBC officials, "that his agency 'remains committed to aviation security.' That's like an abortion activist claiming a commitment to motherhood."

"Lofty pontificating about airline security on the Sunday morning talk circuit will not prevent determined lunatics from trying to commandeer airplanes so they can be turned into occupied guided missiles," noted Waldron and Workman. "Condescending assurances that the skies are safe won't matter much to the victims if another jet is crashed into an office high-rise or government building, or maybe just an urban neighborhood."

"Here's a thought for Mr. Ridge, Mr. Loy and their bean-counting subordinates: Hotel rooms are cheap, talk is cheaper. Innocent lives are expensive."

Meanwhile, in the face of the new terrorist warnings, a pilots' advocacy group called on President George W. Bush to expand the number of federal firearms-training facilities so that more air crews can fly armed.

According to the Airline Pilots' Security Alliance (APSA), too few air crews are flying with the protection of a firearm aboard the aircraft, two years after the terrorist hijackings.

This, noted APSA, is in spite of the new warning that al Qaeda terrorists may be planning more suicide bombings.

"The armed pilots program needs to be accelerated by President Bush today," said APSA President Bob Lambert, a commercial airline pilot. "There are not enough armed pilots to create a deterrent for continued aviation terrorism."

APSA complained that only one facility is training airline pilots as

federal flight deck officers, under legislation passed by Congress and signed into law about a year ago. That facility only turns out 50 pilots per week, or 2,600 per year. As a result, only 100 pilots currently are trained under federal standards to carry firearms. While APSA praised the legislation, officials of the group said the training of pilots is too slow, especially in light of the new warnings.

"TSA has done a terrible job of arming pilots to date," said APSA spokesman Brian Darling. "There needs to be a radical acceleration of the armed pilots program to deter al Qaeda from targeting commercial aircraft for Sept. 11-style hijackings."

APSA estimated there are 40,000 volunteer pilots who may seek admission to the armed pilots program.

"At the current rate of training, it would take 15 years to train 40,000 pilots," APSA said. "The current slow pace of the Department of Homeland Security is harming the national security of our nation."

The President, APSA continued, "has it in his power to invoke an executive order to allow volunteer pilots to carry lethal weapons to defend the cockpits of our nation's airliners. Clearly, had any one of the pilots of the hijacked aircraft been armed on Sept. 11, at best those hijackings, through deterrence alone, would have been thwarted; at worst, the pilots would have been provided a fighting chance to defend the cockpit from terrorists."

# SECOND AMENDMENT LAWYER EARNS CCRKBA RIGHTS AWARD

Robert A. Levy of Washington, D.C. is the CCRKBA Gun Rights Defender of the Month Award recipient for September.

"Bob really is a true-blue believer in the Second Amendment and a truly committed fighter for the individual, civil right of law-abiding Americans to keep and bear arms," noted CCRKBA Public Affairs Director John Michael Snyder.

"He has written and argued a great deal for the rights of individuals under the Second Amendment. He is one of the stalwarts among a growing number of lawyers who are bringing about a strong challenge to the unfortunate 'politically correct' interpretation of the amendment as applying only to militia membership.

"Currently, he is leading a direct legal challenge to the outrageous District of Columbia gun law on the ground that it is a violation of the civil rights of law-abiding citizens under the Second Amendment. He certainly is most deserving of this Award."

In a recent speech to a Federalist Society luncheon held at the National Press Club in the Nation's Capital, Levy referred to the handgun as "the quintessential weapon of self-defense."

In the Parker v. District of Columbia lawsuit filed in the United States District Court for the District of Columbia, Levy and co-counsel assert that "plaintiffs are entitled to declaratory relief holding that by maintaining and enforcing a set of laws banning the private ownership and possession of handguns and functional firearms within the home, forbidding otherwise lawful self-usage of arms, and forbidding the movement of a handgun on an individual's property, defendants are

violating the plaintiffs' individual rights under the Second Amendment to the United States Constitution."

Levy joined the Cato Institute in 1997 after 25 years in business. He is an Adjunct Professor at the Georgetown University Law Center, a director of the Institute for Justice, a member of the Board of Visitors of the Federalist Society, and a trustee of the Objectivist Center. He received his Ph.D. in business from the American University in 1966. That year he founded CDA Investment Technologies, Inc., a major provider of financial information and software.

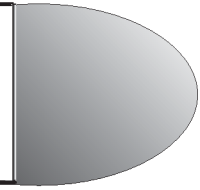
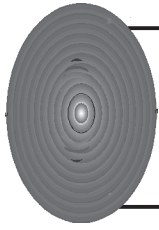
Levy was chief executive officer of CDA until 1991. He then earned his Juris Doctor in 1994 from the George Mason University, where he was chief articles editor of the law review. The next two years he clerked for Judge Royce C. Lamberth on the U.S. District Court in Washington, D.C., and for Judge Douglas H. Ginsburg on the U.S. Court of Appeals for the District of Columbia Circuit.

"Although Congress and the majority of the state legislatures have resisted enacting draconian gun control laws," Levy wrote in Cato Policy Analysis No. 400, "the courts are the final bulwark in safeguarding our constitutional right to keep and bear arms. Yet the courts of late have been the scene of unprecedented attacks on that right as gun control advocates have used the judiciary to make an end-run around the legislative process. Meritless litigation brought by elected officials in multiple jurisdictions are just part of a scheme to force gun makers to adopt policies that legislatures have wisely rejected. Moreover, the suits are used by politicians to reward their allies – private attorneys, many of whom are

major campaign contributors – with lucrative contingency fee contracts.

"Meanwhile, many of the same politicians have exploited a few recent tragedies to promote their anti-gun agenda. But gun controls haven't worked and more controls won't help. In fact, many of the recommended regulations will make matters worse by stripping law-abiding citizens of their most effective means of self-defense. Violence in America is due not to the availability of guns but to social pathologies – illegitimacy, dysfunctional schools, and drug and alcohol abuse. Historically, more gun laws have gone hand in hand with an explosion of violent crime. Only during the past decade – with vigorous law enforcement, a booming economy, and an older population – have we seen dramatic reductions in violence, coupled with a record number of guns in circulation."

Before compromising constitutional rights expressly recognized in the Second Amendment, Levy wrote, "we ought to be sure of three things: first, that we've identified the real problem; second, that we've pinpointed its cause; and, third, that our remedy is no more extensive than necessary to fix the problem. The spreading litigation against gun makers fails all three tests as do the latest gun control proposals. Guns do not increase violence; they reduce violence. Banning or regulating firearms will not eliminate the underlying pathologies."



CCRKBA Chairman Alan M. Gottlieb stated that July's dismissal of the NAACP's Brooklyn, N.Y. lawsuit against gun makers could mark a significant turning point in the history of such actions. Federal Judge Jack B. Weinstein decided to follow the recommendation of a 12-member advisory jury that found in favor of gun industry defendants in the case. "Judge Weinstein's ruling is significant," Gottlieb said, "because his past judicial history, particularly in the case of *Hamilton v. AccuTek*, has not been favorable to the firearms industry. This ruling just might serve as a signal to the anti-gun community that even a judge like Weinstein sees little merit in lawsuits against gun makers."



During a July meeting of the House Appropriations Committee, Rep. Todd Tiahart of Kansas proposed an amendment to the fiscal 2004 funding bill for the Commerce, Justice and State Departments targeting the Bureau of Alcohol, Tobacco, Firearms and Explosives. It would prohibit the use of federal funds for several BATFE activities, and prevent the bureau from requiring firearm dealers to conduct a physical inventory. It would stop BATFE from denying licenses to dealers whose sales fall below a certain level, and from demanding that certain dealers provide documentation for all used guns sold in a given period. The amendment won committee approval on a 31-30 vote. It still must receive full House-Senate approval.

Earlier this summer, Tennessee

joined Kentucky, Indiana and Montana as states that honor all other state permits or licenses to carry "defensive weapons," reports *Legally Armed*. Two other states, Alaska and Vermont, do not require any permit or license to carry firearms if the individuals carrying are law-abiding citizens.



In Madison, WI, a state Supreme Court decision allowing home owners and business owners to carry concealed weapons on their property has re-ignited a movement to relax Wisconsin's ban on carrying concealed weapons. "Basically, the Supreme Court has stated that with Wisconsin's Right to Keep and Bear Arms constitutional amendment, the Legislature should look at creating a permitting system for individuals to carry a concealed weapon," said State Rep. Scott Gunderson. "We feel the time has come for the Legislature to pass the Personal Protection Act, especially in light of the Supreme Court's decision in the Hamdan case." In that case, the court ruled in a 6-1 decision to overturn the conviction of a Milwaukee grocer who had been found guilty of carrying a concealed weapon in his store following several robberies in 1999.



In mid-summer, the gun-grabbing Brady Campaign To Prevent Gun Violence and Million Mom March ran a full-page ad in *The New York Times* calling for the defeat in the U.S. Senate of a bill, identical to one passed by the House of Representatives, which would preempt lawsuits

designed to wipe out the firearms industry, or impose nationwide gun control "laws" by local judicial fiat. "The U.S. Senate," the ad stated, "is on the verge of voting to let reckless gun dealers get away with murder." Passage of this measure, S. 659, is a top CCRKBA priority. CCRKBA Members and Supporters could contact both of their U.S. Senators and urge them to support this bill.

In a commentary on the firearm used in last year's Washington, D.C.-area multiple sniper attacks, Richard Barth wrote in *The Wall Street Journal* that, "while Bull's Eye Shooter Supply (from which the Washington sniper rifle was stolen) is possibly negligent in the care and sale of its inventory, any final determination would be a case for a jury. However, I can think of no reason the maker of Bushmaster rifles should be held responsible for these murders. Bull's Eye was a licensed firearm dealer. It is not the job of Bushmaster to police the firearm dealers; it cannot transfer to any dealer unless that dealer has a valid license. To hold Bushmaster accountable for the actions of an individual who can in no way legally possess, much less purchase, the carbine is an unreasonable expectation. This case is another attempt by the Brady Center to Prevent Gun Violence to hijack the headlines. Through this lawsuit the group is attempting to accomplish via the courts what it cannot otherwise – put a gun manufacturer out of business."

