

POINT BLANK

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



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IN THIS ISSUE

PSA Pushes Criminal Acts	1
CT High Court: RKBA Covers Knives	2
PA Manhunt & RKBA	2
Federal Court Rules for 2A	3
New Anti-Gun Legislator Group	4
CCRKBA Blasts Plea Deal	4
Citizen Action Project	5
Defender of the Month	6
Another Poll Shows RKBA Support	6
Quick Shots	7

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CCRKBA BLASTS 'PSA' SUGGESTING CRIMINAL ACTS BY KIDS

When a San Francisco-based production company released a public service message that suggested it was okay for a teen to take a gun belonging to his parents and turn it over to a school teacher to get it out of his house, the Citizens Committee for the Right to Keep and Bear Arms blasted the video for literally encouraging youths to commit crimes in the name of "gun safety."

The story broke on social media and the on-line *Washington Times*. Produced by a company called Sleeper 13 Productions, it got a quick, and mostly negative, reaction, even on the company's own Facebook page.

CCRKBA Chairman Alan Gottlieb observed, "The message of this video is so monumentally stupid that if any youth does something like this after watching it, the producers should face charges. If someone is hurt, they should face both criminal and civil liability."

The message opens with a teenage boy peeking around the corner to see what his mother is doing, and then creeping up a staircase. He then enters a bedroom, opens a drawer and digs under some clothes to reveal the gun, which he takes to his own room and puts into a backpack. He then appears in a school hallway, attends a class, and after the class finishes, he walks up to the teacher's desk and places the gun on it.

The youth then asks the visibly startled teacher, "Can you take this away? I don't feel safe with a gun in my house."

"The series of crimes depicted in this video is simply astonishing," Gottlieb said. "We're talking about felony theft of a firearm, illegal possession of a handgun by a minor, having a gun in a school, illegal concealed carry by a minor, brandishing and maybe one or two other crimes, depending upon the jurisdiction."

He said the video is a "public dis-service" message. He also noted that the gun used as the centerpiece appears to be a real-looking BB pistol in a screen close-up, but even having that kind of gun on school grounds would be enough to get a student arrested. In two recent highly-publicized cases, people with real-looking airguns in their hands have been fatally shot by police.

"The scenario obviously depicts what (the producers think) some youngster should do with a real handgun," Gottlieb noted.

The video appeared to streak across social media, eliciting negative reactions from Second Amendment activists all over the country.

CT HIGH COURT SAYS 2A RKBA RIGHT COVERS KNIVES

The Connecticut State Supreme Court has ruled unanimously that making possession of a weapon in a motor vehicle illegal violates the Second Amendment.

The case is of particular interest to Second Amendment advocates because it deals with knives, and in particular, a "dirk," which is a dagger-type blade. It was one of several knives and machetes in a car belonging to Jason DeCiccio, a former Army medic who was actually in the process of moving from Connecticut to neighboring Massachusetts in 2010 to take a job with the Veterans Health Administration.

But DeCiccio was charged for having the dirk, and a collapsible police baton in his vehicle. He was convicted and sentenced to 15 months in jail, which would have robbed him of his Second Amendment rights. The State high court, however, ordered that he be acquitted of the crime and in the process noted that people who legally possess weapons in their homes have the right to transport those weapons to a new home, according to published reports.

DeCiccio is a collector of knives and swords. As one might guess, Knife Rights founder Doug Ritter is delighted with the ruling.

DeCiccio's arrest and conviction cost him his job, and also may have damaged other employment opportunities. He is reportedly considering a lawsuit.

Justice Richard Palmer said that the knife and police baton were legal for DeCiccio to possess. The court also held that "The safe transportation of weapons protected by the Second Amendment is an essential corollary of the right to possess them in the home for self-defense when such transportation is necessary to effectuate that right."

"The court's holding that the right to bear arms includes non-firearms, such as knives and batons, is consistent with the bulk of modern precedent on the subject," noted Eugene Volokh, prominent legal scholar who teaches at the UCLA School of Law.

The court discussed the history of knives used, thus defining them as "arms" protected by the Second Amendment.

In his ruling, Justice Palmer also noted that, "Post-Heller case law supports the commonsense conclusion that the core right to possess a protected weapon in the home for self-defense necessarily entails the right, subject to reasonable regulation, to engage in activities necessary to enable possession in the home. Thus, the safe transportation of weapons protected by the second amendment is an essential corollary of the right to possess them in the home for self-defense when such transportation is necessary to effectuate that right."

PA MANHUNT HAS RKBA SIDELIGHT

The mid-December manhunt near Philadelphia for a multiple homicide suspect had an interesting sidebar that a lot of people never heard about.

ABC News and other outlets did, however, note that during the first hours of the hunt for alleged murder suspect Bradley William Stone, a motorist turned the tables on a would-be carjacker matching Stone's description.

The news reported that a few hours after authorities found the bodies of six murder victims, an unidentified man reported the attempted carjacking only a few miles from the scattered crime scenes. When the carjacker apparently threatened the motorist with a knife, the motorist pulled a gun and fired, reports stated.

There was no indication that the supposed car thief had been hit, but he did depart on foot rather quickly.



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

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FEDERAL COURT RULES THAT GUN LAW VIOLATED MAN'S 2A RIGHTS

A three-judge panel from the U.S. Court of Appeals for the Sixth Circuit unanimously ruled in December that a federal law banning gun ownership for a Michigan man who had been previously committed to a mental institution violated his Second Amendment rights, and set a high bar for other cases.

The court applied "strict scrutiny" to its analysis, noting, "We reject intermediate scrutiny here because it has no basis in the Constitution" and it "is more appropriate for assessing a challenge to an enumerated constitutional right, especially in light of *Heller's* rejection of judicial interest-balancing." The 2008 *Heller* ruling by the U.S. Supreme Court affirmed that the Second Amendment protects a fundamental individual civil right.

The case involved the Second Amendment rights of Clifford Charles Tyler, 73, who had been committed to a mental institution for less than a month 28 years ago. At the time, he had been "suffering emotional problems stemming from a divorce," according to Fox News.

In 1985, Tyler's then-wife of 23 years "allegedly ran away with another man and depleted Tyler's finances. Tyler felt 'overwhelmed' and 'sat in the middle of the floor at home pounding his head,'" the ruling noted. He was emotionally distraught, and his daughters called police, ultimately leading to his brief commitment.

However, the court noted, Tyler "returned home and remained in the workforce for another eighteen to nineteen years."

The 46-page opinion was written by Judge Danny Boggs for the panel.

There was a two-page concurring opinion.

Tyler never again experienced a "depressive episode" and a psychologist "determined that Tyler's prior involuntary commitment 'appeared to be a brief reactive depressive episode in response to his wife divorcing him'."

However, in February 2011, Tyler wanted to buy a firearm and was turned down by the National Instant Check System (NICS) because of his 1986 commitment. He appealed the denial in August of that year, but was ultimately denied. In May 2012, Tyler sued. The district court dismissed the case, but Tyler appealed.

Judge Boggs noted something else in his ruling that bears close attention. He signaled that there is much more on the horizon where the right to keep and bear arms is concerned.

"The Supreme Court has not fleshed out the extent of the right protected by the Second Amendment," Judge Boggs wrote. "Thus, although several courts of appeals have opined on whether the Second Amendment encompasses the right to carry a gun outside the home, the full breadth of the Second Amendment has not been determined."

The *Wall Street Journal* quoted UCLA law professor Adam Winkler, who said he "wouldn't be surprised to see legal challenges to other parts of the [federal gun] law now." Winkler also suggested that Congressional Republicans might finally try to set up a new "relief from disabilities" program. Under federal law, a person who has lost their Second Amendment rights can appeal for restoration of those rights, but in 1992, Congress stopped funding

that program under pressure from Capitol Hill anti-gunners.

The ruling also discussed how relief from disabilities provisions in the law became something of a "Catch-22" for Tyler. In 2008, Congress – using a "carrot-and-stick" approach – offered grant funding to states to voluntarily launch their own programs as an incentive to update and improve their information sharing with the NICS system, the ruling explained. But Tyler's home state of Michigan did not set up such a program.

"Under this scheme," Judge Boggs observed, "whether Tyler may exercise his right to bear arms depends on whether his state of residence has chosen to accept the carrot of federal grant money and has implemented a relief program. His right thus would turn on whether his state has taken Congress's inducement to cooperate with federal authorities in order to avoid losing anti-crime funding. An individual's ability to exercise a 'fundamental right' necessary to our system of ordered liberty, 'cannot turn on such a distinction.'"

Judge Boggs noted, "It is certain that there is a non-zero chance that a previously institutionalized person will commit gun violence in the future, but that is true of all classes of persons. Although the government presents two examples of persons adjudicated as mentally ill who committed gun violence and cites one study in support of the claim that a prior suicide attempt is a "risk facto[r]" for suicide, it has offered not an iota of evidence that prohibiting the previously institutionalized from possessing guns serves its compelling interests."

CCRKBA WANTS FULL DISCLOSURE ON LAWMAKERS' GUN CONTROL GROUP

When a new gun control organization consisting of state lawmakers was announced, the Citizens Committee for the Right to Keep and Bear Arms called on the group to publish a roster of their members, and disclose their funding sources.

This was after published reports said the American State Legislators for Gun Violence Prevention (ASLGVP) had indicated it would not quickly reveal its members due to concerns over "political backlash."

"Private lobbying organizations might expect to have some degree of privacy," said CCRKBA Chairman Alan M. Gottlieb, "but when an organization consists of elected public officials, the public deserves to know who belongs to this organization, and who is providing financial support."

He noted that the group's mailing address is at a Post Office box in New

York City's Madison Square Station.

At the time, Reuters reported that the ASLGVP had not released information on its preliminary donors, acknowledging only that fundraising efforts are in progress. Another report said that the group had around 200 member lawmakers. ASLGVP was launched by Democratic New York Assemblyman Brian Kavanaugh, who appeared at a press event in Washington, D.C. with seven colleagues.

"If these state lawmakers are worried about political backlash back home," Gottlieb observed, "they must have good reason for that."

"Reports say Kavanaugh founded this group because Congress has not adopted certain gun control measures," he continued. "This has become the typical argument of the gun prohibition lobby. They failed to pressure Congress, so now the strategy is to attack gun rights at the state level."

In the wake of passage of Initiative 594 in Washington state, and with massive funding from wealthy elitists, it is easier for anti-gun activist groups to generate publicity and attract media attention. But the creation of a group of state lawmakers adds another dimension, and one that could have consequences.

"Frankly," Gottlieb observed, "elected officials promoting an agenda to erode state and federal constitutional rights, as members of a New York-based group whose roster is apparently secret, ought to expect some political backlash."

"Gun owners in all 50 states deserve to know, before legislative sessions begin, which lawmakers in their states will be pushing this new group's agenda," Gottlieb concluded. "And they also deserve to know who is paying for it."

CCRKBA 'DISAPPOINTED' BY PLEA DEAL

When the King County, Wash., prosecutor's office announced a plea bargain with a two-time killer that dropped a gun charge in exchange for a second-degree murder conviction, Alan Gottlieb, chairman of the Citizens Committee for the Right to Keep and Bear Arms quickly raised a ruckus.

King County Prosecutor Dan Satterberg had emerged as one of the primary supporters of Initiative 594, the 18-page gun control measure passed by voters in November following a billionaire-funded campaign.

But when Satterberg's office announced a guilty plea from Ja'Mari

Alexander-Alan Jones in the murder of DeShawn Milliken at a Bellevue Square restaurant/bar two years ago, noting that a firearms charge was dropped as part of the deal, Gottlieb was publicly critical.

Jones, who was 19 at the time, had already been convicted in the 2009 death of Edward McMichael. Jones could not legally possess a handgun, much less carry it inside of a bar where people under age 21 are not allowed.

Gottlieb pulled no punches in discussing what seemed like hypocrisy.

"I am stunned that Dan Satterberg's office cut this deal with this criminal," Gottlieb said. "It is astonishing, not only for the severity of this second

crime, but because Satterberg helped lead the campaign to pass I-594, the new gun control law that treats law-abiding gun owners like criminals of Jones' ilk.

"It is even more disappointing to me, personally," he continued, "because I championed a Satterberg proposal two years ago that would have cracked down on exactly the kind of person Jones has become. When Jones shot Milliken, he was still a juvenile, a convicted felon and he was illegally in possession of a handgun. I testified on behalf of Satterberg's plan in Olympia, when nobody from the gun control lobby showed up."

JANUARY 2015

CITIZEN ACTION PROJECT

After devastating Democrat losses in the recent mid-term elections, and President Obama has just two years left to effect his promised "fundamental transformation of America."

President Obama is desperate to create a legacy for his presidency, with or without the cooperation of Congress. And one of his long-sought goals is the imposition of further restrictive gun control laws.

This anti-rights agenda isn't just limited to the White House. The attack is coming from several directions. More than 200 state legislators across the country have formed an organization they call "American State Legislators for Gun Violence Prevention" (ASLGVP). With the exception of a few of their leaders, the group is keeping its member list anonymous, another example of transparency in government. We want to go after a fundamental constitutional right, but we don't want to tell you who we are.

One more expansion of the war on guns is the wealthy elite, who have decided to take it upon themselves to join the fight against law-abiding gun owners. "Retired" New York City Mayor Michael Bloomberg is at the head of the pack, but he's been joined by Microsoft billionaires Bill Gates, Paul Allen, Steve Ballmer and others. Not content to sit in safety with their paid bodyguards, they want to restrict your access to the basic means of defense. Bloomberg is the man behind the so-called grassroots groups "Moms Demand Action" and "Everytown for Gun Safety." We use the term "so-called grassroots" because, except for a small public front funded by Bloomberg

and publicized by a sympathetic mainstream media, their actual grassroots support is a fraction of the true grassroots gun movement in this country, law-abiding gun owners.

Building on the success of their gun control initiative victory in Washington state last November, Bloomberg and friends have vowed to carry the fight to other states through the initiative process -- a process available in about half of the states. They can buy their way on the ballot with paid signature gathering, and then flood the airwaves with false or misleading advertising. In their minds the ends justify the means. They know what's best for us, even if they have to shove it down our throats.

Last month's Gallup poll shows the American people DO NOT support further restrictions of their right to keep and bear arms. If anything, they support expansion of these rights, acknowledging that guns provide safety to Americans, not risk.

January 2015 is the beginning of a very intense period of gun control activity, at every level. This is the time when the nation's 80 million gun owners need to stand up and flex their muscles. Eighty million gun owners are unstoppable -- IF they act. It's not just enough to mail or call your elected officials: Congressmen and Senators, state legislators, local county/city council persons need to hear from you, to be sure. You need to tell them where you stand on proposed legislation. And you need to inform them of developments in the pro-gun-rights arena. But it goes beyond that.

YOU have to keep informed. Whether it's through reading Point

Blank, visiting the CCRKBA, SAF, and KABA web sites, visiting other gun rights organizations' web sites, or doing your own research, you have got to stay on top of the issue. And then pass the truth on to those elected officials. You cannot rely on the mainstream media to do it -- they're biased, against us.

Another vehicle to keep informed is various forms of social media, especially Facebook. Even if you don't post anything, you can follow writing by experts and professional researchers such as Professor John Lott, or the several Gun Rights Examiners out there. They post articles almost daily on hot issues relating to the right to keep and bear arms. Information is the key.

That, and passing it on to decision-makers.

The following web sites are your link to that information, from elected officials contact information to gun rights research:

- www.ccrkba.org,
- www.saf.org,
- keepandbeararms.com, house.gov (Representatives contact info),
- www.senate.gov (Senators contact info),
- thomas.loc.gov (federal bill information),
- <http://www.examiner.com/topic/gun-rights> (gun rights examiners research), and
- <http://www.ncsl.org/about-us/ncslservice/state-legislative-websites-directory.aspx> (links to all state legislatures).

Local (county and city council/commission) contact information can be found in the "blue pages" at the front of your telephone directory.

OHIO'S KASICH REBUFFS ANTIS, SIGNS PRO-GUN MEASURE

When Ohio Gov. John Kasich signed legislation to allow the use of suppressors by hunters, while also reforming the state's concealed carry statute, he did so despite pleas by national gun prohibition lobbying groups to veto the bill.

Kasich's signing was praised by Brett Pucillo, president of Ohio Carry, who acknowledged that the legislation was not "perfect," but it was a "large step forward for firearm rights in Ohio."

Jim Irvine, president of the Buckeye Firearms Association, said the new law "restores rights that we've lost." He called it "good public policy."

The governor and former congressman had heavy legislative votes backing up his decision. The legislation had passed the state Senate 24-6 and the House 72-21.

Anti-gunners insist the new law will make it easier for citizens to get concealed carry permits. Law-abiding Buckeye State citizens are facing smaller hurdles to exercise their rights.

Republican Kasich spent nine terms in the U.S. House of Representatives. From 2001 to 2007, he worked for the Fox News channel as host of his own program, and he also held a job in the private sector.

He was elected governor first in 2010 defeating incumbent Ted Strickland, and in November he was re-elected to another term, turning back a challenge by Democrat Ed FitzGerald by a wide margin.

Under the legislation Kasich signed, concealed carry applicants will only have to attend training courses lasting eight hours instead of 12 hours. The new law also eases residency requirements and it expands concealed carry

reciprocity for non-residents who are licensed in other states. It also extends "competency certification" to military veterans and allows non-residents who work in Ohio to apply for a carry permit where they work.

All of these things make anti-gunners furious.

Kasich has not always seen favor with Second Amendment advocates, but this time around, his signature on H. 234 is definitely considered a victory by gun rights organizations. The new law will take effect in March, 90 days after it was signed.

When he ran for governor, Kasich insisted he believes in the Second Amendment right to keep and bear arms, and he has held to that. By signing the legislation, he's earned recognition as the gun rights defender of the month.

SURVEY SHOWS SUPPORT FOR 2A

Last month we reported on the results of a Gallup poll suggesting Americans felt that guns in the home made them safer.

There was another major poll showing strong support for the Second Amendment. The poll from the Pew Research Center, and it showed majority support for gun rights, a fact noted by Pew as the first time in the over 20 years they've polled on this subject that that's been the case.

According to their findings, 52 percent of those polled felt Second Amendment rights were more important than gun controls, to 46 percent, a rise of seven points from their January 2013 survey. Among those who supported gun

rights, 61 percent were men, a rise of 10 percentage points from the 2013 survey, and majorities also existed among people over the age of 50. Even younger people seemed to be warming up to supporting gun rights, with 47 percent of those ages 18-29 and 49 percent of those from ages 30-49 indicating that preference in the poll.

But what was most noteworthy was with African-American respondents. While just 34 percent of those surveyed supported the Second Amendment rights of citizens to own guns, 54 percent, on a related question, indicated they felt gun ownership protected people from becoming crime victims, a spike of 25 percent from the 2013 survey. In general, 57 percent of all survey respondents said

they felt gun ownership protected people from falling victim to criminal attack, to just 38 percent who believed that gun ownership negatively impacted public safety. That, in itself, was a nearly 10 percent change from the previous poll.

On that related question, concerning gun ownership and personal/public safety, Pew reported relatively similar breakdowns to what was reported in their general polling on the Second Amendment question.

The poll was taken the week of Dec. 3-7 and a little over 1,500 people participated, which was conducted by telephone, with a mix of landline and cell phone interviews, according to Pew. The margin of error on the survey was plus or minus 2.9 percent.



QUICK SHOTS

Gun rights supporters will now have one more voice on their side in the U.S. Senate.

Pro-gun Republican challenger Bill Cassidy easily defeated incumbent Louisiana Democrat U.S. Senator Mary Landrieu in a statewide runoff election that took place Dec. 6. According to the Louisiana Secretary of State's office, Cassidy earned over 700,000 votes to beat Landrieu's just over 500,000, equivalent to an approximately 56%-44% result.

The victory for Cassidy means Republicans will hold a 54-46 majority in the U.S. Senate.



KAGS-TV reported that the student senate at Texas A&M, located in College Station, voted Dec. 3 to approve a proposal known as the "Personal Protection Act." According to the Texas A&M *Battalion* student newspaper, the act was signed several days afterward, on December 8, by the school's student body president, and it calls for student leaders to advocate for changes in state law that would support allowing student concealed carry.

The student senate vote was overwhelmingly in favor of approval, 39-12, according to the TV station.



One city in northern Idaho has for years banned residents from packing their guns to local parades. That all changed during a recent city council meeting.

The city council in Coeur D'Alene voted unanimously at its meeting Dec.

16 to scrap that ban, according to the Coeur D'Alene Press newspaper. The request to end the ban came from the city's attorney, who, reported the Press, wanted the ban ended in order for the city to comply with Idaho state law regarding preemption. The attorney, in testimony to the council, added the ban was originally put in place due to tensions with locally-based white supremacist groups.



According to AL.com, an elderly man in the East Lake neighborhood of Birmingham during the mid-morning hours of Dec. 11 shot two people who were attempting to break into his residence.

A city police spokesperson told the website officers responded to the residence and were told by the resident that he had heard noises inside the house and went to check them out; upon that taking place the man encountered the two suspects, and promptly opened fire with his handgun. According to AL.com, the suspects fled, but both ended up in the hospital.



Kansas state lawmakers are about to get underway with the 2015 legislative session, and it appears that while some bills impacting gun rights could be proposed, the upcoming session could be a somewhat uneventful one for Second Amendment activists in the state.

The Topeka Capital-Journal recently previewed what could be in store for gun rights in the Kansas legislature, and according to the

newspaper, the biggest possible piece of legislation that could be discussed involving the Second Amendment may be a Republican's proposal to expand background checks in the state.



Out of Oregon, there is news on the open carry front.

Councilmembers in the city of Corvallis, which is home to Oregon State University, voted down a proposal at their meeting recently that would have barred open carry of guns in public places. KEZI-TV in Eugene reported the vote came after heated debate and followed the recommendation of a council committee.

According to KEZI, councilmembers will revisit this issue at some point with an eye on establishing a policy that does not change current regulations.



New Hampshire gun owners will continue to be able to carry their guns into the state capitol in Concord after a recent decision.

WMUR-TV in Manchester reported recently that a joint committee of legislators approved a rule change that will allow continued carrying of firearms in the capitol. There had been a ban on the practice, but since 2010, according to the TV station, gun carry had been allowed inside the state house.

There will be a few restrictions, though, reports WMUR. Those include no open carry, and no brandishing of the weapon.

