

POINT BLANK

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



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2011: OUR STRUGGLE CONTINUES

As we begin the year with hope for the preservation of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms, we've got to take a good, hard look at some underlying cultural and political realities and resolve to fight on.

Gun rights advocates for have achieved some spectacular successes in the electoral and judicial spheres recently.

The U.S. Supreme Court decisions in *McDonald v. Chicago* and *District of Columbia v. Heller* as well as the election of gun rights supporters to seats in the U.S. Congress and in state legislatures certainly give all of us solid reason for hope in the ultimate preservation of our gun rights.

In the 2008 *Heller* case, the Supreme Court ruled unconstitutional a Washington, D.C. ordinance preventing the acquisition of handguns. In last year's *McDonald* decision, the Supreme Court ruled that state and local laws prohibiting handgun possession contradict the U.S. Constitution. Both cases were decided in gun owners' favor by narrow, 5-4 majorities.

Consider statements by Supreme Court Associate Justice Stephen Breyer, who sided with the minority in *Heller* and *McDonald*, even penning the *Heller* dissent. He said on a television talk show that the Founding Fathers never intended guns to go unregulated and that history stands with the minority dissent in the *Heller* case.

It's obvious that gun prohibitionists will try to overturn the *Heller* and *McDonald* decisions. Gun owners have to work to ensure that a gun prohibitionist majority does not dominate the Supreme Court. There have got to be enough genuinely pro-gun U.S. Senators to make sure no more gun prohibitionists are confirmed to the Supreme Court.

Also in December 2010, the Bureau of Alcohol, Tobacco, Firearms and Explosives proposed that it be given emergency authority for half a year to require about 8,500 firearms dealers along the border with Mexico "to alert authorities when they sell within five consecutive business days two or more semiautomatic rifles greater than .22 caliber with detachable magazines."

In other words, anti-gun rights personnel here again are trying to find an excuse, or rationale, in this case alleged Mexican drug cartel arms smuggling, to impose more gun controls on lawful activity regarding the firearms trade.

The underlying issue is the ability of law-abiding citizens to exercise gun rights without fear of the rights being taken away by court action, bureaucratic activity or other government interference.

The struggle continues and CCRKBA is in the thick of it.

GUNS NEEDED TO COUNTER THREATS, DECLARES CCRKBA

When terrorists threaten to commit violent acts right here within the United States, it's time for us Americans to take note and be on our guard.

We Americans need guns for self-protection. We need not only the right, which right has been affirmed for us in two recent landmark U.S. Supreme Court decisions, *Heller* and *McDonald*, we need also the opportunity to acquire, carry and if necessary use firearms to protect ourselves and our fellow citizens.

Public officials and their supporters who speak and work to undermine this opportunity in reality oppose the personal and public safety of the American citizenry.

Recent news reports make this quite clear to anyone not blinded by political correctness.

According to these reports, an Al Qaeda-affiliated magazine is urging individual Islamists in the United States to attack and kill as many Americans as they can in public gathering places.

Inspire, an Internet magazine, even calls on Islamists to shoot up customers in downtown Washington, D.C. restaurants so they can murder federal workers. The New York *Daily News* and *The Washington Times* reported this. So, too, did *Congressional Quarterly Behind the Lines*.

Obviously, people who work in our Nation's Capital or anywhere else must be able to have guns in order to stop terrorists in their tracks and prevent the massacre of innocent people.

For years, a Washington, D.C. ordinance prohibited the acquisition of handguns by private citizens. Fortunately, this was declared a violation

of the individual Second Amendment civil right to keep and bear arms by the United States Supreme Court. This was two years ago in its landmark *District of Columbia v. Heller* decision.

Since then, however, politicians, augmented by elite establishment journalists, educators and clergymen, have been dragging their feet in implementing the spirit of *Heller*. Now, still, with a new anti-gun law in place, citizens find it next to impossible legally to obtain and use the handguns they need to protect themselves from the threat to life, freedom, democracy, and religion.

It's time for anti-gun laws in the District of Columbia and throughout the United States to go by the boards so that law-abiding Americans can get, carry and use firearms to protect themselves, their families and their co-workers from terrorists, as well as, from other violent criminals.

In a report last month published by *The Telegraph* in the United Kingdom, but regarding terrorism in the United States, Alex Spillius wrote that, "In unusually candid remarks, Michael Leiter, Director of the National Counterterrorism Center, said that the nation's defenses probably would be breached by a home-grown radical, after a year-long period containing several failed or thwarted attacks that had seen the most intense terror activity since September 11, 2001.

"Although we aim for perfection, perfection will not be achieved. Just like any other endeavor, we will not stop all the attacks," he said."

Those who work against gun rights in Washington, D.C. and throughout the United States should beware. If it so happens that people are

murdered, are massacred, because politically correct elitists spoke and worked successfully to prevent citizens from getting, carrying and using self-defense guns, the blood of the innocent will be on their hands.

CCRKBA has been, is, and will continue to be in the forefront of the battle to protect our traditional, individual Second Amendment civil right to keep and bear arms. We need it now at least as much as we've ever needed it.



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

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SAF, NJSR&P JOIN IN SUIT TO DUMP ANTI-GUN LAW

An FBI employee is among the citizens and groups filing suit in federal court to overturn New Jersey state gun laws because they violate the United States Constitution.

Daniel Piszczatoski, of Wayne, New Jersey, an FBI civilian employee, serves as the program coordinator for the New York imaging services unit.

He and other plaintiffs seek a declaratory judgment that New Jersey law vesting uncontrolled discretion in the hands of state officials to grant or deny permit to carry firearm applications and to grant, deny, limit, or restrict permits to carry is facially invalid under the Second and Fourteenth Amendments.

The complaint was filed in the United States District Court for the District of New Jersey by David Jensen and Robert Firriolo, attorneys for the plaintiffs.

Piszczatoski also is a warrant officer with the United States Coast Guard. In his capacity as a warrant officer, he has the statutory power of arrest.

At times in the past, Piszczatoski has carried a handgun in the course of performing his Coast Guard duties, but at the present time is not qualified to carry a firearm while performing such duties.

In October 2009, FBI authorities advised Piszczatoski and other FBI employees that it had received information that a specified Islamic fundamentalist group planned criminal attacks against FBI employees and their family members in retaliation for the treatment of Muslims by the United States government. The FBI warned that the group might follow employees home from work and attempt to kidnap or kill the employees or their family members. Shortly

thereafter, Piszczatoski was dismayed to learn that an internet search for his name revealed both his home address and the fact that he was employed by the FBI.

Piszczatoski desires to carry a handgun to protect himself and his family from the risk that terrorists or other criminals may target him because of his current or past activities with the FBI and the Coast Guard.

Separate and apart from any threat posed on account of his employment, Piszczatoski would carry a functional handgun in public for self-defense, but refrains from doing so because he fears arrest, prosecution, fine, and imprisonment for lack of a permit to carry.

Piszczatoski applied for a permit to carry from Chief Donald Stouthamer of the Police Department for Wayne Township, New Jersey in February 2010. It was approved in May.

Pursuant to New Jersey law, the approved license application was sent to the Passaic County, New Jersey Superior Court. Judge Rudolph Filko, a defendant in the case, considered the application. He denied it last November on the ground that Piszczatoski did not have a "justifiable need," as required by New Jersey law, even though Piszczatoski met all other requirements to obtain a permit to carry.

The suit alleges that plaintiff Finley Fenton, of Nanuet, New York, a part time deputy with Essex County, New Jersey, was similarly affected. Fenton applied to New Jersey State Police to carry a handgun to protect himself while off duty and was denied last August.

Fenton sent the denial for reconsideration to Bergen County Superior

Court Judge Edward Jerejian, who also denied the request last November.

Other plaintiffs are Jeffrey Muller, John Drake, Gregory Gallaher, Lenny Salerno, the Association of New Jersey Rifle & Pistol Clubs, and the Second Amendment Foundation, a CCRKBA sister organization.

The defendants include a number of New Jersey state and local officials, including Paula T. Dow, in her official capacity as Attorney General of New Jersey.

The suit charges that the New Jersey handgun permit laws are facially invalid under the Second and Fourteenth Amendments to the Constitution of the United States in that, and to the extent that, they vest state officials with the uncontrolled discretion to deny permits to carry, and require citizens to show "justifiable need" and "urgent necessity" to obtain permits to carry.

The suit argues that the New Jersey statutes violate the Second and Fourteenth Amendments because the exercise of fundamental constitutional rights cannot be conditioned on "justifiable need" or "urgent necessity."

It states that New Jersey law conditions the approval and issuance of a permit to carry on the existence of "justifiable need," defined as an "urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun," and that this contravenes plaintiffs' enjoyment of their constitutional rights in fact.

CCRKBA NOTES AMTRAK GUN TRANSPORT POLICY

As of the middle December, Amtrak passengers once again could transport firearms and ammunition under certain provisions.

Prior to the September 11, 2001 Islamist terrorist attacks, passengers could check their guns on trains.

With the reaction to the attacks on the World Trade Center in New York and the Pentagon, there was a tightening of restrictions and an increase in regulations.

Then, after the terrorist train bombings in Madrid, Spain in 2004, a total ban on the regular passenger transport of firearms and ammunition on board trains in the United States went into effect.

CCRKBA supported a legislative initiative by Sen. Roger Wicker (MS) to remove the restrictions so that passengers once again could transport firearms and ammunition on Amtrak.

In 2009, Sen. Wicker led a bipartisan majority of 67 members in the Senate in support of an amendment lifting restrictions as an attachment to the transportation spending bill.

The bill with the amendment then was included in a general bill to fund government activities for fiscal 2010.

Since there have been a number of questions regarding the extent of Sen. Wicker's move, we're representing here a list of the conditions under which passengers now may transport firearms and ammunition on Amtrak.

As of Bill of Rights Day, December 15, passengers could check unloaded firearms and ammunition between Amtrak stations and on Amtrak trains that offer checked baggage service.

Amtrak announced a number of policies to implement the service, indicating that passengers failing to meet the requirements for checking

firearms will be denied transportation. Notification that the passenger will be checking firearms/ammunition must be made no later than 24 hours before train departure by calling Amtrak at 800-USA-RAIL. Online reservations for firearms/ammunition are not accepted.

All firearms and/or ammunition must be checked at least 30 minutes before train departure. Some larger stations require that baggage be checked earlier.

All firearms (rifles, shotguns, handguns, starter pistols) must be unloaded and in an approved, locked hard-sided container not exceeding 62" L x 17" W x 7" D (1575 mm x 432 mm x 178 mm). The passenger must have sole possession of the key or the combination for the lock to the container. The weight of the container may not exceed 50 lb/23 kg.

Smaller locked, hard-sided containers containing smaller unloaded firearms such as handguns and starter pistols must be securely stored within a suitcase or other item of checked baggage, but the existence of such a firearm must be declared.

All ammunition carried must be securely packed in the original manufacturer's container; in fiber, wood or metal boxes; or in other packaging specifically designed to carry small amounts of ammunition. The maximum weight of all ammunition and containers may not exceed 11 lb/5 kg.

The passenger is responsible for knowing and following all federal, state and local firearm laws at all jurisdictions to and through which he or she will be travelling.

All other Amtrak checked baggage policies apply, including limits on the number of pieces of checked baggage,

and the maximum weight of each piece (50 lb/23 kg).

Firearms/ammunition may not be carried in carry-on baggage; therefore, checked baggage must be available on all trains and at all stations in the passenger's itinerary.

At the time of check-in, passengers will be required to complete and sign a two-part Declaration Form.

BB guns and Compressed Air Guns (to include paintball markers), are to be treated as firearms and must comply with the Amtrak firearms policy.

Canisters, tanks, or other devices containing propellants must be emptied prior to checking and securely packaged within the contents of the passenger's luggage.

Even though the change coming as a result of the Wicker initiative seems rather mild, that small change alone was enough to set off the rage of some of the anti-gun extremists.

Daniel Vice of the Brady Center to Prevent Gun Violence reportedly said the change makes it easier for terrorists to bring weapons on trains.

To this contention, Ken Schram of KOMO News in Seattle, Washington, remarked that "it was the rabid anti-gun folks going over the edge. They're complaining about a new law that allows people to bring a gun with them while travelling on Amtrak. The weapons have to be unloaded, packed in a hard-sided case and be checked in with the baggage.

"There is nothing wrong with that and the anti-gun crowd should just put a cork in their whine."

OBAMA TRIES TO SNOOKER GUN OWNERS WARNS CCRKBA

"With the aid of Paul Bedard, President Barack Obama is trying to snooker gun owners into accepting him as a supporter of Second Amendment rights, but we're not buying it," John Snyder, CCRKBA Public Affairs Director, stated.

"Although political realities have compelled the Administration to refrain from publicly promoting restrictive gun control legislation, the appointment of extremist opponents of the gun rights as well as his support of international agreements that could curtail Americans' Second Amendment rights expose the underlying anti-gun nature of the Obama presidency," Snyder continued.

Snyder said also that, "In as clear and blatant example of political hypocrisy, the headline 'Obama Backs Gun Rights' appeared over an article by Paul Bedard in *U.S. News* last November."

"Gun owners rejoice," wrote Be-

dard. "President Obama backs the Second Amendment. Period. And he does it in writing."

Bedard continued: "I believe in the Second Amendment, and the rights of sportsmen like you. Period. Sincerely, Barack Obama," is clearly and firmly written on the note up for auction December 16 by our friends at Alexander Autographs."

The note was handwritten on White House stationary.

BUT, November was the very same month Obama named Andrew Traver to head up the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE).

CCRKBA immediately announced its opposition to his nomination.

Traver currently is special agent in charge of Chicago's BATFE field division, where he has a history of working with gun prohibitionists, CCRKBA noted.

"The nomination of Andrew Traver

is more proof that Barack Obama has complete disregard for the Second Amendment and the rights of firearms owners," said CCRKBA Chairman Alan Gottlieb. "We have serious concerns that the agency, under his leadership, will maintain any semblance of cooperation with the firearms industry, over which BATFE exercises considerable control."

Traver helped develop the IACP/Joyce Foundation report, which recommended banning an array of modern sport-utility rifles and .50-caliber rifles used in long-range competition. The report also encouraged Congress to repeal the Tiahrt Amendment that protects sensitive trace data used by law enforcement in criminal investigations from being misused in frivolous municipal lawsuits that have consistently lost in court, and urged the adoption of restrictive gun show regulations that would effectively force them to close.

CITIZEN ACTION PROJECT

Most state legislatures will be going into session this month. Typically, state legislatures are part-time bodies. Because of their short session, things move faster at the state level. Republicans won more than 600 new state legislative seats nationwide, and now control both chambers in several states, while sharing control in several more. Theoretically, and we stress the theoretically, this should give gun owners some respite, and maybe even the opportunity to make significant gains.

State legislative bodies are usually less formal than Congress, at least as far as interaction between legislators and the citizenry is concerned. This is the time to contact your state legislators (Senators and Representatives/Assemblypersons/Delegates), introduce yourselves, and share with them the issues that are important to you (not the least of which is the right to keep and bear arms!). Ask them to keep you informed of movement on these issue(s).

Legislative office telephone numbers are available in the blue "Government" pages in your telephone directory, or on the internet at the state legislature web sites. E-mail addresses are usually available on the web site as well.

As with your US Senators and Congresspersons, the old saying applies: keep your friends close and your enemies closer. Even if they are not with you on the issues, they have the responsibility to keep you informed as a constituent service.

CCRKBA HONORS WRITER WITH GUN RIGHTS AWARD

Throughout history, America has been blessed with the patriotic services and commitment of individuals who, even though affected adversely by a physical disability, have rendered through determination and dedication, great service to our country.

This is the case in the ongoing battle to protect and preserve the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms with St. Louis Gun Rights Examiner Kurt Hofmann, the CCRKBA Gun Rights Defender of the Month.

In nominating Kurt Hoffman for the CCRKBA Gun Rights Defender of the Month Award, John M. Snyder, CCRKBA Public Affairs Director, pointed out that, "For some time now, Kurt has been writing a regular internet examiner column. In his writings, he shows the fallacies behind the thinking of gun grabbers, often with rapier-like sarcasm. He shows how anti-gun advocates will use any smidgen of false interpretation in attempting to promote an anti-gun owner agenda.

"A former paratrooper, Kurt was paralyzed in a car accident in 2002. He says that the helplessness inherent to confinement to a wheelchair prompted him to explore armed self-defense. When he found out that certain political entities in the country deny the right of armed self-defense, he was inspired to become involved in gun rights advocacy. Now he writes a gun rights inter-

net blog, Armed and Safe. He surely deserves recognition as CCRKBA Gun Rights Defender of the Month."

One of Hofmann's anti-gun literary targets is the Violence Policy Center (VPC).

In a recent column, Hofmann wrote he felt "compelled to point out the utter absence of logic in" a VPC statement. "The fact that nothing in the District of Columbia's homicide stats provides much reason for faith in the efficacy of gun bans in reducing violence, thus forcing the VPC to instead concentrate on suicides, is rather telling."

Kurt was criticizing VPC for supporting anti-gun policies in the District of Columbia as a means of reducing rates of suicide when homicide data show that draconian anti-gun policies do not reduce rates of homicide.

"I utterly reject the contemptible scare tactics used by citizen disarmament advocates - 'Only gun control will save you from crackheads and gangbangers,' or, 'Only gun control will save you from angry, white gun nuts,' or, 'Only gun control will save you from terrorists,' etc., but at least such Chicken Little fear mongering tacitly acknowledges that part of the problem is evil people, who commit evil acts, with guns," he stated.

"But," he continued, with the VPC attempt to connect tough gun laws with a reduction in suicide, "we are apparently being told that only gun control will save Washington, D.C. residents from themselves. If I were a D.C. resident, I would have trouble not taking that as a rather harsh insult,

implying that only through the noble efforts of the benign D.C. officials am I being prevented from offing myself. How blessed D.C. residents must feel to have such paragons of wisdom watching over them.

"While the VPC defends the District of Columbia for supposedly protecting residents from themselves, we are apparently expected to ignore the fact D.C.'s laws prevent citizens from protecting themselves (despite the well-known fact that police are under no obligation to provide the protection that citizens are denied from providing themselves.)"

Hofmann takes literary aim at the attack on firearms as a mental health concern, stating that, "Support for draconian gun policies has long been prevalent in the health care profession..."

"And with health care reform moving in the direction of putting the federal government in charge of the purse strings involved in paying for medical care, what's to stop an anti-gun administration (the kind of administration, for example, that would pick Eric Holder for Attorney General, Sonia Sotomayor and Elena Kagan for the Supreme Court, and Andrew Taveras as head of the BATFE) from putting some rather effective back-channel pressure on the mental health care folks, to come up with a diagnosis that calls for a prescription for disarmament?"

"Efforts to frame the gun control debate as a public health issue are well underway, as are the gun ban lobby's efforts to recruit the medical profession to their side," Kurt stated. "Expect those efforts to continue, and to intensify."

QUICK SHOTS

After a pizza delivery man was robbed at gunpoint one Friday night last month in Knoxville, Tennessee, police say he followed his attackers and fatally shot one man, reported WBIR.com. The robbery occurred around 8:15 p.m. when three men took the delivery man's wallet and cell phone and fled. Police did not release the name of the delivery man or his employer. The delivery man, who has a Tennessee handgun carry permit, got a firearm from his car and followed the men, trying to get a description of their car. When one of the men pointed a gun at him, police say, the delivery man acted in self-defense and fatally shot Deron Hullin, 21, of Antioch, Tennessee. Officers say they later arrested Christopher Moore, 21, who admitted his involvement in multiple robberies. Detectives were working to identify other suspects.

Outgoing Pennsylvania Gov. Ed Rendell vetoed a Castle Doctrine bill that had passed the State Senate 45-4 and 161-35 in the House. The object of the Castle Doctrine bill was to expand self-defense rights outside the home. Under current law, the use of deadly force is not justifiable to protect oneself when one can safely retreat, unless a person is attacked in his or her dwelling or workplace. State Rep. Scott Perry of York said Rendell "is really out of step with literally all of Pennsylvania, and this bill had strong bipartisan support... It's not about protecting your home. It's about protecting yourself or your family against attack." Some observ-

ers speculate that Rendell may be heading to Washington, D.C. for a post with the Obama administration, perhaps as White House chief of staff.

"Despite Second Amendment cases, firearms codes are moving targets" headlined an article last month in the journal of the American Bar Association, *ABA Journal*. Gun rights supporters "hailed Heller and McDonald as setbacks for gun control advocates," according to writer Anna Stolley Persky. "They predicted a shift in gun policy throughout the country. But so far it hasn't happened that way. While there have been challenges throughout the country to local, state and federal gun laws, few have been successful. In fact, critics of the decisions say the cases have failed to provide a concrete framework to help lower courts determine the constitutionality of challenged gun control laws. 'It's a huge change in our understanding of the amendment, but not necessarily a huge change in what kinds of gun control laws are constitutional,' says Duke University assistant law professor Joseph Blocher. 'There's a lot to be fleshed out. The court in Heller almost hit the reset button on the Second Amendment. Now we need to figure out again what's OK and what's not OK.'"

John R. Lott, Jr. wrote recently that, "Medical journals are not always the objective, purely scientific publications we might think they

are. Their editors have increasingly strayed into politics at the expense of scientific accuracy. For example, the prestigious *New England Journal of Medicine* has over the last few months published a number of extremely biased and poorly done studies on gun control. One of the articles, written by Garen Wintemute, Anthony Braga, and David Kennedy, makes the case for extending background checks to the private transfers of guns, arguing that 'perhaps the principal reason for the well-documented failure of the Brady Act to lower rates of firearm-related homicide is that its requirements do not apply to private-party gun sales.' But they do so without providing any evidence that these or any other background checks reduce crime. Further, they conveniently overlook the only research that has been done on what they are proposing. For instance, the updated *More Guns, Less Crime* specifically studied this very issue and found no evidence that either type of law helped reduce crime."

In Manila, Philippines last month, Justice Secretary Leila de Lima supported a proposal to allow judges to carry firearms to defend themselves amid rising cases of attacks targeting them, reported Edu Punay in *The Philippine Star*. This developed as the Supreme Court continued with its program to prepare and train judges nationwide to defend themselves from possible attacks that could be related to their work.

