



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

CCRKBA SAYS COURT RULING PREPOSTEROUS



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CCRKBA spokesmen called the U.S. Ninth Circuit Court of Appeals ruling that the Second Amendment does not protect an individual right “a typically preposterous opinion from a court that has the worst track record in the nation for overturned decisions.”

“The ultra-liberal Ninth Circuit has a reputation for being the most overturned appeals court in the country,” said CCRKBA Chairman Alan M. Gottlieb. “Not only does the ruling run counter to extensive research supporting the Fifth Circuit’s decision in 2001 that confirmed the individual right to keep and bear arms, it defies logic and historic scholarship. Clearly, the Second Amendment protects an individual right. The overwhelming majority of American citizens believe that interpretation, and perhaps the time has come for the Supreme Court finally to take up the issue.”

CCRKBA Executive Director Joe Waldron agreed, saying, “This is a good example of the type of ruling that comes out of the Ninth Circuit. Recall that this is the same court that ruled the Pledge of Allegiance unconstitutional early in 2002. This ruling even relies on material from Michael Bellesiles, the anti-gun historian whose research has been so discredited that he was forced to resign from Emory University.

The very first footnote in Judge Stephen Reinhardt’s opinion in *Silveira v. Lockyer*, 01-15098, refers to research by the debunked university professor, whose anti-gun book, *Arming America: The Origins of a National Gun Culture*, has been revealed as a monumental fraud.

Gottlieb noted that Judge Reinhardt’s opinion appears to be written as much to debate the landmark ruling in 2001 by the Fifth Circuit, as it is to justify California’s continued effort to destroy a constitutional right by legislative whim and judicial fiat.

“To read Judge Reinhardt’s strained dissertation on the meaning of the phrase ‘to keep and bear arms’ is to watch a man struggling to define ‘is,’” Gottlieb observed. “It appears to me that this opinion was tailored to fit a decision that had been reached before the legal research was begun.”

Waldron observed that, “once again, we have an activist liberal court strenuously insisting that the term ‘the people,’ when used in the Second Amendment, means something different than when it is used in the First, Fourth, Ninth and Tenth amendments.”

On the other hand, Dennis Henigan, Director of the Legal Action Project of the anti-gun Brady Center to Prevent Handgun Violence, known formerly as Handgun Control, Inc., said “the Ninth Circuit’s opinion has exposed, in spectacular fashion, the tortured logic and twisted history underlying the

SNIPERS, TERROR AND GUN CONTROL

By Ron Paul, M.C., M. D., CCRKBA Congressional Advisor

The recent sniper killings around the Washington, D.C. area thankfully appear to have ended with the arrest of two individuals believed responsible. The sense of fear in the nation's capital was palpable throughout October, 2002, bringing back memories of the uneasy days following the terrorist attacks on the Pentagon and New York City.

The wanton and unpredictable nature of the sniper shootings has reinforced an uncomfortable feeling that many Americans first experienced the morning of Sept. 11: namely, that the government cannot protect you. No matter how many police or federal agents we put on the streets, a determined individual or group can still cause great harm.

For many this is a sobering thought, because we have come to view the state as our protector and the solution to every problem. We should remember, however, that we hardly would want to live in a rigid totalitarian society completely free of danger. This nation was founded on principles of self-reliance, but we've allowed ourselves to become far too dependent on government. Perhaps the only good that can come out of these senseless and tragic killings is an emerging understanding that we as individuals are responsible for our safety and the safety of our families.

As for the alleged sniper himself, we can expect two things from the media. First, we'll hear a lot of details and nonsense about his rifle and how he obtained it. This scrutiny serves to instill a misguided sense of fear and awe toward a simple .223 rifle, making it seem like a highly dangerous instrument that should never be in the hands of the general public. Second, we'll hear the defense at-

torneys feed the media a thousand excuses for his actions, ranging from his childhood to his failed marriage to his Army training. Most people see through this, however. The killer alone is responsible for his murderous actions.

Despite all the talk about rifles, the undeniable truth is that armed citizens are safer than disarmed citizens. We can't know, of course, that armed citizens would have prevented any of the shootings or brought the sniper to justice more quickly. Yet it's hard to imagine the sniper choosing Texas or another well-armed southern state to commit his crimes. The bottom line is that criminals seek defenseless, unarmed victims. Any criminal operating in the suburbs of Washington, D.C., southern Maryland, and northern Virginia – all bastions of anti-gun sentiment – can reasonably assume that his victims will not shoot back.

For most Americans, guns are not a political issue. People buy and own guns to protect their families, not to commit crimes. The truth is that even millions of Americans who support and vote for gun control own guns themselves, because deep down they share the basic human need to feel secure in their homes. Since Sept. 11, that sense of security has been shaken, resulting in a big increase in

gun sales across the country. Most supporters of gun rights take no pleasure in this fact, nor do they trumpet it as a political victory over gun control forces. The time has come to stop politicizing gun ownership, and start promoting responsible use of firearms to make America a safer place. Guns are here to stay; the question is whether only criminals will have them.



POINT BLANK

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

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CCRKBA BATTLING BRADY BUNCH PUSH FOR GUN BAN EXTENSION

CCRKBA is battling the Brady Bunch in its push for a federal gun ban extension.

As the First Session of the 108th Congress begins, the Brady Campaign to Prevent Gun Violence (formerly Handgun Control, Inc.) already is lobbying Congress to extend the so-called "assault weapons ban" set to expire in September of next year.

The ban became law on Sept. 13, 1994 as part of the Violent Crime Control and Law Enforcement Act of 1994, signed into law by anti-gun former President Bill Clinton. That law mentioned nothing about genuine assault weapons—select-fire guns capable of being fired in semiautomatic or fully automatic "machine gun" mode.

The law prohibited for 10 years the domestic manufacture of hundreds of semi-automatic firearms with two or more so-called "military style" cosmetic features, such as a bayonet lug or a pistol grip, if the firearm is capable of accepting an ammunition magazine holding more than 10 rounds. It also prohibited the manufacture of new shotguns capable of holding six or more rounds of ammunition.

Anti-gun Sen. Dianne Feinstein of California claimed at the time the law was under consideration that it would restrict only 19 types of firearms. However, BATF admitted in a Dec. 20, 1993 letter to Sen. Larry Craig of Idaho, a CCRKBA Congressional Advisor and CCRKBA Gun Rights Defender of the Month Award winner, that the law proposed to ban at least 45 types of guns.

"Enactment of this law was one of the lowest points of the dark days of the Clinton-Gore Administration," said CCRKBA Public Affairs Director John Michael Snyder. "This was a law, based strictly on appearances of firearms, on cosmetics. It really was

outrageous. Later, after the Democrats lost control of Congress in the 1994 elections, and the Republicans gained a majority in the U.S. House of Representatives for the first time in about 60 years, then-President Clinton blamed passage of the law by the Democrat-controlled Congress as part of the reason for the Republican takeover."

According to the Cybercast News Service (CNSNews.com), 21 of the 24 U.S. Senate candidates endorsed by pro-gun organizations in the 2002 elections were victorious. In the U.S. House of Representatives, 230 of the 246 candidates who stated their support for the Second Amendment were elected.

By contrast, according to CNSNews.com, only one candidate each in the House and Senate of the eight opposed by the Brady Campaign to Prevent Gun Violence was defeated.

In an Internet viewer poll last November, CNSNews.com found that only six percent of its respondents said that Congress should extend the so-called "assault weapons" ban, 92 percent opposed the extension and two percent were uncertain.

"Fortunately," Snyder commented, "the law as worded will expire next year unless it is positively re-enacted, that is, unless Congress passes it again and the President signs it again. That gives us a chance to prevent it from passing. That does not mean, however, that there is any guarantee that it will not be reenacted, even though there now is a more friendly Administration and Congress in place here in our nation's capital city. It usually is a lot more difficult to return to a former way of doing things than it is simply to accept the inertia which seems often to be part and parcel of any large body or organization,

including government. So, we have our work cut out for us."

CCRKBA asks members and supporters and, for that matter, all law-abiding Americans who believe in and feel strongly about the individual Second Amendment civil right to keep and bear arms to write the President, their two U.S. Senators, and their U.S. Representative regarding this issue. Let our elected federal officials know you oppose the Brady Campaign's attempt to continue the imposition of this ridiculous cosmetic gun ban on the law-abiding American citizenry.

Despite its lack of success last fall at the polling booths, the Brady Gang is expected to make every effort it can to see this cosmetic gun ban extended indefinitely.

"We do not have the luxury of waiting until 2004 to talk about renewing the law," said Michael Barnes, president of the Brady Campaign to Prevent Gun Violence. "All Americans must start thinking about it now."

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SUPREME COURT REJECTS TEXAN'S GUN RIGHTS PLEA

The United States Supreme Court last month by unanimous vote prevented felons from going straight to court to have their gun rights restored, rejecting arguments that those individuals have nowhere else to go.

In the case of *United States v. Bean*, No. 01-704, Thomas Lamar Bean, a federally licensed firearms dealer, lost his gun rights, and his ability to make a living as a gun dealer, after a conviction for transporting 200 rounds of ammunition across the border from Texas into Mexico. He maintained he had inadvertently left the ammunition in his car after attending a gun show in Laredo.

While it is perfectly legal to have ammunition in a vehicle in the United States, at the time Bean was arrested, it was a Mexican federal felony. Fallout from the Bean case was so overwhelming that the Mexican government has reduced the crime to a misdemeanor. But that didn't

help Bean.

The case involved a dispute over the effect of a 10-year-old congressional ban on the restoration of felons' gun privileges by BATF.

Under the Federal Firearms Act, it is a crime for a convicted felon to own guns or ammunition. The Act authorizes the Secretary of the Treasury to lift the "firearms disability" on the basis of an individual's circumstances. The Secretary delegates this authority to BATF. The law also provides that appeals from denials of relief by BATF can be heard in federal court.

In 1992, however, Congress passed an appropriations bill to bar BATF from spending any money on the relief program. Since then, it each year has renewed the ban.

Under this ban, Bean could not obtain relief from BATF. A federal judge in Beaumont, Texas, Joe J. Fisher, lifted the firearms disability. In 2001, the United States Court of Appeals for

the Fifth Circuit, in New Orleans, LA, upheld the ruling.

The United States Department of Justice appealed that ruling to the Supreme Court, which reversed the lower court's ruling.

Justice Clarence Thomas, who wrote the High Court's opinion, stated that judges have authority only to review BATF's "denial" of an application for relief. He explained that "an actual adverse action on the application by A.T.F. is a prerequisite for judicial review."

Bean had argued that BATF's lack of action on an application for relief amounted to a "denial" within the meaning of the law, conferring jurisdiction on the federal courts to review the matter. Justice Thomas stated that inaction by BATF is not the same as a "denial." Therefore, "mere inaction by A.T.F. does not invest a district court with independent jurisdiction to act on an application."

CCRKBA HAILS BUSH SIGNING ARMED PILOTS LEGISLATION

Having been the first to call for the arming of commercial airline pilots following the terrorist attacks in New York and Washington, D. C. on Sept. 11, 2001, CCRKBA last month applauded President George W. Bush for signing into law the Homeland Security Act containing provisions for arming the nation's commercial passenger airline pilots.

"The overwhelming support for this program truly has been remarkable," said CCRKBA Chairman Alan M. Gottlieb. "While various interest groups have disagreed on other aspects of homeland security, arming commercial airline pilots is one issue on which almost everyone immediately concurred, and we're proud that so many diverse organizations followed our lead and supported this measure."

CCRKBA Executive Director Joe Waldron added, "It always is a question mark, whether there may be armed air marshals on every airplane, but there is no doubt that each jetliner leaving the ground has a pilot and a co-pilot aboard. Armed pilots are, as we have said since first calling for this measure, a critical 'last line of defense' against the kind of terrorist activity that occurred on 9/11."

The program is strictly voluntary, and pilots will go through approved training before they actually carry firearms into the cockpit. Pilots who choose not to fly armed will not be required to do so. The concept has been supported by major airline pilots' associations, which were quick to agree with the CCRKBA proposal.

"It has never made sense," Gottlieb observed, "that the handful of hysterical critics of this idea felt that pilots lack the skills to defend an aircraft, when they quite obviously have the skills to fly one. Fortunately,

the American public recognized this contradiction, and so have Congress and President Bush."

"Looking back," Waldron recalled, "it should seem no coincidence to anyone that CCRKBA was first to call for armed pilots. We've said for years that the most effective tool against violent criminals is an armed citizen



who knows how and when to use a firearm in defense of himself, the people around him, and now even the airplane he commands. You can bet the only people who really dislike the idea of armed pilots are the terrorist cowards who always prefer unarmed victims."

With the legislative fight completed, reports CNN.com, "Pilot labor groups now turn their attention to resolving a number of regulatory hurdles that must be addressed before crews can be armed with lethal force. These issues range from which pilots can be armed to whether aviators will carry weapons onto the plane or store them in the cockpit."

Al Aitken, an American Airlines pilot and a member of the Allied Pilots Association, a carrier's pilots' union, said, "Those pilots who volunteer and qualify should be able to carry firearms as soon as possible."

Although under the new law guide-

lines should be in place by the end of next month, 90 days after the time of enactment, the Bush Administration has indicated it plans to move cautiously in developing its standards. The legislation was deliberately vague on regulation.

"It is really too soon to tell on that," one senior Transportation Department official reportedly said when asked when the first commercial airline pilots would be permitted to have guns. "Obviously several months."

The government estimates that 80,000 pilots could be eligible for the program. An overwhelming number of pilots supported the right to carry firearms before the law's enactment.

The Transportation Security Administration first must determine parameters under the program for eligibility, background checks, final cost and the type of handgun and ammunition to be used. It also is possible that the FBI may be asked to help with what the government has indicated will be a rigorous training program.

Initially, Transportation Secretary Norman Mineta and his top assistants were opposed to arming pilots. They said a beefed-up air marshal program and strengthening cockpit doors were adequate to protect the cockpit from invasion.

Mineta reversed position and allowed TSA to consider the idea after sentiment for giving guns to pilots gathered momentum last summer in Congress.

Trying to temper support, Mineta and his security deputy James Loy warned lawmakers that it could cost \$850 million to set up a program to arm pilots and another \$250 million annually to run it.

CCRKBA HONORS COUNTY SHERIFF

Sheriff John McCroskey of Lewis County, WA has been honored with the CCRKBA Gun Rights Defender of the Month Award for January.

CCRKBA Communications Director Dave Workman said McCroskey's "deeds speak for themselves. He reamed KIRO-TV in Seattle for its 'expose' of a perfectly legal gun sale at a gun show recently."

Sheriff McCroskey wrote in a Centralia, WA newspaper that a KIRO reporter "wanted me to comment on some video taken at a gun show recently held here. Apparently, while under cover, they videotaped the sale of a rifle by a private person, to the undercover reporter."

The TV reporter wanted him to comment on the transaction. The reporter, said McCroskey, began by looking at him with a wrinkled, almost pained look, and said, "Sheriff, we came down and secretly videotaped a gun purchase between our reporter and a private person at the gun show in Centralia...are you concerned about this?"

Responding, McCroskey said, "Let me be sure I understand what we have here. You have a video, of a lawful transaction, by law-abiding citizens, and wonder if that concerns me? Nope."

The reporter noted, "But Sheriff, he bought the rifle in five minutes! He didn't have to fill out any paperwork! Surely that is a concern?"

McCroskey wrote that, "once

again, looking very thoughtful, I said it was not. The lawful acts by citizens should not be an issue with the police. We don't make the laws. We deal with them."

"Sheriff," the reporter said, "there is pending legislation which would close the gun show loophole. Would you support this kind of legislation?"

McCroskey told the reporter that he had not seen the legislation, but that he doubted it would be of any real value. "The fact is," he stated, "there are many laws, state and federal, on the books, but they haven't been enforced for years. In fact, they are looking for ways to reduce sentences which will increase crime.

"But I don't believe restricting law-abiding citizens' ownership of firearms does anything but make them easier victims. If it was as easy as passing laws, then there would be no crime. But it isn't. Law-abiding people are law-abiding because they follow the law. Lawbreakers don't care what the law is, and will find a way to get guns and gun shows are only a tiny piece of all this. If tomorrow there were no more gun shows, the reduction in crime would be so insignificant it wouldn't register. But put crooks who use guns in jail for a long time, and see what happens. It works and works every time it is tried."

McCroskey wrote it was pretty clear he was not behaving the way the reporter expected. When the reporter asked him if he wanted to add anything or if there was

anything else he was concerned about he said it was a "liberal reporter with a gun."

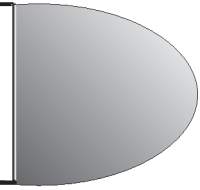
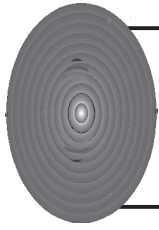
Sheriff McCroskey says he has "come to believe that there is an orchestrated effort to ignore (enforcement of existing) gun laws to make the matter appear worse, so they can pass more legislation to take the guns away from honest people."

Sheriff McCroskey graduated from WFWest High School and spent four years in the United States Navy. He and his wife, Paula, who will celebrate their 28th wedding anniversary in March, have four children. He is a graduate of Centralia Community College and the FBI National Academy, and also has completed other professional training programs.

He told *Point Blank* that he likes being with his family and camping out with his boys. He says he loves being Sheriff. He has served in that capacity for eight years and starts his third term this month.

He is a wood carver "for fun, carving Santas, snowmen, fishermen, cowboys and other things of interest. Many of my Santas are donated to charities."

He adds that "I attend St. Joseph's Church, am a member of Twin City Rotary Club, and write a column for a couple of local newspapers." He has coached youth soccer, little league baseball, been involved in the Boy Scouts, and played Santa at Christmas.



In Washington, D. C., the Cato Institute is crafting a legal challenge to the city's gun control law, claiming that all law-abiding Americans have the right to defend themselves. "The Second Amendment provides an individual right for a person to bear arms, not a collective right, not a right of the states, not a right of the militia, but a right of each and every person," said Cato's Bob Levy. Washington, D. C. law states that it is illegal for anyone to own a handgun unless he or she is a police officer or has owned a gun registered prior to 1976 and periodically re-registered. Additionally, a handgun must keep it unloaded.



In Tacoma, WA, agents with the IRS and BATF searched a gun shop, Bull's Eye Shooter Supply, and the home of its owner, Brian Borgelt, in an investigation into how a .223-caliber Bushmaster semiautomatic rifle got into the hands of John Muhammad, one of two suspects in the Beltway sniper shootings in October. The joint investigation arose from a civil inquiry in which BATF sought to determine whether the gun shop had been properly documenting gun sales, said Martha Tebbenkamp, a BATF spokeswoman. The gun that authorities say was used in the shootings was delivered to the shop last July 2 but the store has not been able to produce records showing that the gun was sold.



In Abuja, Nigeria, Archbishop John Olorunfemi Onaiyekan said Christians were tired of "turning the other cheek" to violent Muslim

attacks and blamed the government for violent sectarian riots after a newspaper about the Miss World beauty pageant. "No group of people should be allowed to invade the city of Abuja and molest law-abiding citizens," said the Catholic prelate. He said Christians should not hesitate to protect themselves from attacks.

In Washington, D. C., BATF is opposing a proposal to let gun sellers and owners import as many as two million World War Two era infantry guns that were made in the United States and exported to the world's armies 50 years ago. The BATF objections come as the U.S. State Department is considering the proposal, made by the Firearm Importers Roundtable Trade Group. BATF maintains that implementation of the idea would flood the market with outdated but deadly weapons that could fall into the hands of criminals and would be hard to regulate. The Trade Group, under the presidency of Charles Steen of Sarco, Inc., says "there will not be millions of guns flooding the marketplace" because "market forces will control what is imported" and there would be "unusually lengthy" reviews by BATF and the State Department. It points out that buyers would be subject to the "same requirements that apply when purchasing other firearms."

In an obviously embarrassing development for gun control freaks that hold up England's strict gun control laws as objects of emulation by the United States, it turns out that,

according to a new United Nations report, England and Wales have the highest crime rate among the world's leading economies. The survey, cited by David Bamber, Home Affairs Correspondent of the Electronic Telegraph, shows that people are more likely to be mugged, burgled, robbed or assaulted in the United Kingdom than in the United States, Germany, Russia, South Africa or any other of the world's 20 largest nations. Only the Dominican Republic, New Zealand and Finland have higher crime rates than England and Wales. According to the comparison of international crime statistics produced by the UN's Office for Drug Control and Crime Prevention, England and Wales had 9,766 crimes for every 100,000 people in the year 2000. The United States had 8,517, South Africa 7,997, Germany 7,621 and Russia 2,022.

In Richmond, Virginia, anti-gun State Sen. Henry L. Marsh III says he will introduce a bill that would require criminal background checks on everyone who seeks to buy a firearm at a Virginia gun show. Marsh says that current law, which requires federally licensed dealers to conduct the checks but does not apply to unlicensed sellers, "makes gun shows a great place for criminals to go and get guns with no questions asked." He says "Virginia is a leading source state when it comes to providing gun runners with guns. It's embarrassing."

