

POINT BLANK

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



**January
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2010 YEAR OF STRUGGLE

As we begin the New Year, we face a titanic struggle to preserve the individual Second Amendment civil right of law-abiding Americans to keep and bear arms.

Whether it's support for a proposed anti-gun inter-American arms control covenant, an anti-gun United Nations arms control treaty, anti-gun policies of the Attorney General, appointments of anti-gun extremists to government positions, or outright support of anti-gun legislative proposals such as reinstitution of the failed Clinton era ban on semiautomatic firearms, we know that gun grabbers in the White House and on Capitol Hill are hell-bent on passing as much restrictive gun control this year as they possibly can.

CCRKBA intends fully to battle attempts to undermine our gun rights. It's going to be tough. We need your full support.

Gun grabbers can be expected to use every trick in the book to promote their program. A foretaste of this came last month when Mayors Against Illegal Guns used a poll conducted by Word Doctors to attempt to show gun owners support gun control legislation.

According to the poll, gun owners would support legislation to prohibit the possession of firearms on a government no-fly list, to require gun show promoters to send ledgers of customer information to the federal government, to let the FBI retain records for 180 days of EVERY gun purchase approved by the National Instant Criminal Background Check System, and to rescind the Tiahrt Amendment, which prevents release of BATFE firearms trace data for all but law enforcement purposes, thus not allowing such data to be used in lawsuits against the firearms industry.

Congress last month did approve a pro-gun amendment by Sen. Roger Wicker of Mississippi to the Consolidated Appropriations Act of 2010. It allows Amtrak travelers to transport firearms in checked luggage where checked baggage is available.

However, a New York City gaggle of anti-gunners proclaimed support for H.R. 4298/S. 2878, the proposed Gun Trafficking Prevention Act by Sen. Kirsten Gillibrand and Rep. Carolyn McCarthy.

It would declare it unlawful for any person knowingly, regardless of whether anything of value is exchanged, to ship, transport, or otherwise dispose to a person, two or more firearms in or affecting interstate or foreign commerce if the transferor knows or has reasonable cause to believe that such disposition would be in violation of, or would result in a violation of any federal, state, or local law punishable by a term of imprisonment exceeding one year.

No question this will be a year of struggle.

GUN GRABBERS' INDIRECT IN ATTACK ON FIREARMS

In recent months and years, gun grabbers more and more have been attempting to disguise their assault on the individual Second Amendment civil right to keep and bear arms.

As gun ownership has increased in the United States, gun grabbers, realizing that a direct attack on gun ownership is unlikely to succeed, try to circumvent the evident popularity of firearms by obfuscating their objection to firearms per se.

The fact that polls show a greater and greater lessening of support for gun control laws and a greater and greater respect for and appreciation of gun rights actually forces anti-gun activists in our country to try various end runs around Second Amendment rights in attempts to attack those very rights.

They have devised various ways of doing this.

CCRKBA is very much aware of this anti-gun strategy and depends on your support to be able to unravel and combat it.

One of these schemes is to deny the right to purchase a firearm, or maybe even to own one, to a person whose name appears on a watch list, or a list of persons who for some reason are not allowed to board a commercial airline.

The purpose of the federal watch list supposedly is to prevent terrorists or would-be terrorists from air flight in the United States. If a person is on the list, the argument goes, he or she ought not to be able to acquire a

firearm.

The problem is the watch list is not defined. It is not known who constructs the list, who puts names on the list, for what reason, who is on the list, for what reason, who takes names off the list, for what reason, if you're on, or how to get off.

The existence of the list and its use constitutes the basis for the incipience of a veritable star chamber in the United States.

With regard to firearms, the list could be a mechanism by which government officials secretly could place citizens' names on the list and thus prevent them from ever having legal access to firearms.

Yet this is just what some of the ideas coming up in Washington, D.C. and around the country could lead to.

Mayor Michael Bloomberg of New York City, Mayors Against Illegal Guns (MAIG), which Bloomberg founded, and Attorney General Eric Holder all want to see the secret no-fly list connected with the National Instant Background Check System (NICS).

Recently, as a matter of fact, MAIG paid for a full-page ad in The Washington Post recommending that the federal government link the secret no-fly list to NICS and use this to prevent gun owners on the list from buying firearms.

"Close the Terror Gap in the background check system," the ad demanded, and noted that Holder

endorsed the idea on behalf of the Obama Administration.

The group is trying to use the attack at Fort Hood, Texas in which Major Nidal Malik Hassan allegedly murdered 13 people as a basis for promoting its policy even though the soldiers at Fort Hood were disarmed by virtue of an anti-gun Clinton Administration regulation and unable to defend themselves against the attacker.



POINT BLANK

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

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CONGRESSIONAL MAJORITY SUPPORTS PRO-GUN CASE IN U.S. SUPREME COURT

A bipartisan majority of members in each house of Congress – 58 in the Senate and 251 in the House of Representatives – have signed a friend of the court brief in the case of *McDonald v. City of Chicago* before the United States Supreme Court.

In addition, a bipartisan majority of state Attorneys General – 34 – also have signed a brief.

The Senators and Representatives and Attorneys General support challengers to the constitutionality of a 27-year old Chicago law banning handguns, requiring the annual taxation of firearms, and otherwise interfering with the right of law-abiding individuals to keep guns at home for self-defense.

The Court, which is expected to hear oral arguments in the case on March 2, 2010, also is expected to decide whether the right to keep and bear arms secured by the Second Amendment protects Americans from overreaching state and local governments.

In 2008, the Court held in *District of Columbia v. Heller* that the Second Amendment guarantees an individual right to keep and bear arms. However, as the case concerned the actions of the District of Columbia government, a federal entity, the Court was not called upon to decide whether the right bound state and local governments. Over the years, almost the entire Bill of Rights has been held to apply to state and local governments by action of the Fourteenth Amendment.

CCRKBA Chairman Alan M. Gottlieb said the case is of paramount importance to American citizens, to see that their constitutional rights are respected not only by the Congress,

but by state and local governments.

Gottlieb, who also is founder of the Second Amendment Foundation, which brought the case in cooperation with the Illinois State Rifle Association and four local plaintiffs, said the group was delighted “because a gun ban is no less onerous to civil rights in Chicago than it was in the District of Columbia. Such a law cannot be allowed to stand unchallenged.”

Alan Gura, lead counsel for the plaintiffs, said, “The freedoms we enjoy as Americans are secured to us against violation by all levels of government. State and local governments should be on notice; the Second Amendment is a normal part of the Bill of Rights, and it is coming to your town.”

In their brief, the congressional members noted that, “Congress has a long history of protecting the right of the people to keep and bear arms. It was Congress, after all, that proposed the Second Amendment, and the rest of the Bill of Rights, to the states in 1789. Congress likewise proposed the Fourteenth Amendment in 1866, following and to further Congress’ attempts in the Freedmen’s Bureau Act and the Civil Rights Act to restore to freed slaves their right to keep and bear arms. In addition, Congress has enacted statutes... that protect and enforce the Second Amendment against state action and other statutes that explicitly declare its understanding of the Second Amendment as guaranteeing fundamental, individual rights.”

They declared that, “It has long been recognized that the right to keep and bear arms pre-existed not only the Fourteenth and Second Amend-

ments, but the Constitution itself. The Second Amendment was adopted to ensure that the federal government could not interfere with this well-settled right. That the Founders did not expressly mandate respect for this right by the states simply reflects that the Constitution did not enhance the states’ ability to infringe that right and the lack of concern at the time that the states, as opposed to the new national government, would seek to do so. In fact, even apart from the Second Amendment, the original Constitution restricted the states’ ability to infringe the right to keep and bear arms to the extent that doing so would impair Congress’ powers under the Militia Clauses. The Fourteenth Amendment simply restored and clarified the protection of a right that had always existed, after the potential for states’ interference with the right had become manifest.

“Under any theory of incorporation, the right to keep and bear arms should apply to the states... the fundamental nature of the right to keep and bear arms, its foundation in the unamended Constitution, its textual embodiment in a separate amendment, and its prominence in the adoption of the Fourteenth Amendment make the case for its incorporation an easy one.”

In all 29 groups filed friend of the court briefs in support of the petitioners, including the Cato Institute, Center for Constitutional Jurisprudence, Institute for Justice, Safari Club, CalGuns Foundation, State Firearms Associations, International Law Enforcement Educators and Trainers Association and the National Shooting Sports Foundation.

TWO-FACED OFFICIALS SLITHER AGAINST GUNS

In the ongoing struggle to preserve Americans' gun rights, one phenomenon that is becoming more and more evident is the attempt by certain public officials to proclaim their support for the Second Amendment and at the same time to promote policies undermining the individual right to keep and bear arms.

When Barack Obama was inaugurated as president a year ago, it was after a campaign in which he said he adhered to the Second Amendment even though his public career indicated he had supported various policies to undermine gun owners' rights.

CCRKBA warned that despite proclamations to the contrary, Obama was about as anti-gun as you could get.

Among Obama's first nominees was anti-gun lawyer Eric Holder as Attorney General, who said reinstitution of the failed Clinton era "assault weapons" ban would not conflict with the Second Amendment.

A number of pro-gun Democrats advised Holder to cool it, and he did, publicly at least.

More recently, Sen. Tom Coburn (R-OK) asked Holder by letter if it is "still your intent to seek a reinstitution of the 'assault weapons' ban?"

Holder stated his earlier position on the ban is not akin to a "call for a new assault weapons ban, but rather restating the previously expressed campaign position on the issue."

He wrote the Justice Department "is currently reviewing existing gun laws to determine how best to combat gun violence and keep guns out of the hands of criminals and others prohibited from possessing them."

The response to Sen. Coburn "is

the latest in a series of mixed messages from Obama and his team after the president vowed during his campaign that he would seek to reinstate the ban," reported The Hill, a Capitol Hill newspaper in Washington, D.C.

Then, about a week or so before Thanksgiving last November, Holder testified on Justice Department matters during a hearing conducted before the Senate Judiciary Committee.

In response to questioning by anti-gun Sen. Charles Schumer (D-NY), Holder said, "The position of the Administration is that there should be a basis for law enforcement to share information about gun purchases. Fully respect the Second Amendment, fully respect the Heller decision. It does not seem to us that this is inconsistent to allow the enforcement agencies to share that kind of information, for that information to be retained and then to be shared by law enforcement."

Holder also stated, "It seems incongruous to me that we should bar certain people from flying on airplanes because they are on the terrorist watch list and yet we would still allow them to possess weapons."

Holder's statements impelled Ted Deeds of the pro-gun Law Enforcement Alliance of America to infer that "Holder wants a national, permanent gun registration system administered by law enforcement. A registration of honest citizens that have cleared the federal background check for gun purchases with those records permanently retained by and shared among law enforcement.

"Holder wants new federal authority to prohibit any person on the federal watch list (reported to be 400,000 names) from buying guns and supports confiscating guns from those on

the list who possess them."

The man in the U.S. Senate most responsible for that body's confirmation of Holder as Attorney General was the Majority Leader, Sen. Harry Reid (D-NV), who has a strong pro-gun voting record. Even though CCRKBA pointed out the dangers posed to Americans' gun rights, Reid went ahead with support for Holder's confirmation.

Yet, Reid tells his constituents and pro-gun interests that he has a public record of solid support for Second Amendment rights, and hopes people and gun rights groups will take him at face value.

It's the activity in support of gun grabbers like Holder, though, that causes consternation among certain pro-gun rights activists.

On the one hand, Reid cites his Senate votes for pro-gun legislative initiatives as evidence of his commitment to Second Amendment rights. On the other hand, his active and successful shepherding through the Senate of the nominations not only of Holder as Attorney General, but also of Sonia Sotomayor as Supreme Court Justice and Cass Sunstein as Director of the Office of Information and Regulatory Affairs demonstrates his long range support for those opposed to Americans' gun rights.

Sotomayor stated during her confirmation hearings that she did not know if an individual has a right to self-defense. Sunstein has written that animals should be able to sue hunters and other Americans.

People can let public officials like Obama, Holder and Reid know they will not let politicians pull the wool over their eyes.

GOTTLIEB APPLAUDS COURT ON ITS RULE IN ORD DC CASE

CCRKBA Chairman Alan M. Gottlieb applauded a ruling of the U.S. Court of Appeals for the D.C. Circuit for its ruling in *Ord v. District of Columbia* case.

The court revived a suit filed by Ord, the owner of a Virginia security company who was targeted, but not arrested, for prosecution in D.C. on an unregistered firearms charge.

The suit, filed in 2008 in the U.S. District Court for the District of Columbia, alleges the police acted in bad faith in securing a warrant for the arrest of Ord, the owner of Falken Industries. Since 2006, he has provided security for the District.

Last year, District lawyers abandoned the case against Ord. But he still sued, on the grounds that the threat of prosecution has cost him hundreds of thousands of dollars in lost contracts. Ord said he is unwilling to work in the city out of the fear

he will be arrested and prosecuted on a gun charge. His suit, which seeks damages, was thrown out in 2008. The judge said Ord's fears were "mere conjecture."

The appellate court ruling found that the suit met certain thresholds and ordered additional hearings.

"Ord's injury stems from his inability to travel to D.C. and carry on his security business here while armed without fear of prosecution," wrote Judge David Tatel, who was joined by Judge Judith Rogers. Judge Janice Rogers Brown agreed in part, stating "that injury is imminent because the District of Columbia has made clear its specific intention to prosecute him."

Gottlieb, who is founder of the Second Amendment Foundation, which filed an amicus curiae brief in support of Ord in the case, said "One judge even argued that litigants should not

be required to jump through hoops to get past the courthouse door. That judge also suggested that the *Navegar* case, which established that plaintiffs seeking to challenge criminal statutes must first demonstrate imminent or actual harm, ought to be reexamined and overruled.

"This ruling will help our lawsuit against Attorney General Eric Holder on behalf of citizens living abroad who cannot exercise their constitutional right to keep and bear arms when they visit on American soil, because they cannot legally purchase firearms as non-residents, under conditions of the 1968 Gun Control Act. The government has been arguing that we do not have standing to bring this lawsuit. They just lost that argument."

The American Civil Liberties Union also filed an amicus curiae brief in support of Ord in the case.

CITIZEN ACTION PROJECT

2010 is here, and the mid-term elections are closing fast. With primary elections in late summer, it's not too early to review your voter registration status. Have there been any changes since the last election? Addresses? Names?

Have you had any children reach the magic voting age of 18? If so, have they registered to vote? How about nieces or nephews?

Voter registration is typically done by county. The titles vary: Registrar of Voters, Elections Officer, or something similar sounding that deals with the electoral process. Each will have an office at the county seat, usually in a county courthouse or county administration building. Voter registration or update forms will be available there. But they're also frequently available at libraries, and sometimes at fire stations or schools.

In 1993, Congress passed the National Voter Registration Act, popularly called the Motor Voter Act. All driver license issuing offices are required to make voter registration information and forms available.

The blue "Government" pages in your telephone directory will list the county office that processes voter registrations. In addition, most counties have a web site where voter registration information is available. In some counties, registration forms are available online.

Voting in every election is one of the first and most critical duties of citizenship. Unlike many countries, the U.S. does not have a mandatory voting law, so it's up to each individual citizen to perform his or her duty. See you at the polls!

INDUSTRY GOVERNMENT EXPERT NAMED CCRKBA RIGHTS DEFENDER

CCRKBA is naming Jake McGuigan, Director of Government Relations for the National Shooting Sports Foundation, Inc. (NSSF), as its Gun Rights Defender of the Month for January.

"Last fall, while participating in a panel on federal affairs with Jake during the Gun Rights Policy Conference (GRPC), I realized that he had significant and comprehensive insight into and appreciation of the problems confronting the maintenance of Americans' gun rights these days," explained John M. Snyder, CCRKBA Public Affairs Director. "Jake has a background of professional experience in dealing with various issues that serves him and the Second Amendment movement well in addressing the difficulties we face in the early 21st century. He's putting that experience to work for the preservation of gun rights and certainly deserves nomination for the Award."

At GRPC, Jake indicated that NSSF looks forward to working with the different elements of the gun rights movement and outlined some of the ways NSSF is working with respect to the firearms industry at the federal level.

"There is a major issue that plagues our firearm and ammunition manufacturers that we currently are trying to rectify. This issue is the excise tax and the schedule by which our manufacturers have to make payments. Currently, many major U.S. manufacturers are forced to borrow money in order to make timely biweekly excise tax payments. Typically, manufacturers make the excise tax payments long before being paid by their custom-

ers. Our goal and that of the industry is to make changes to the schedule so that the excise tax is paid quarterly similar to many other industries. We have been working very closely with our friends in Washington and currently there are two bills pending to make the changes to the tax schedule. They are S. 632 and H.R. 510. Rep. Ron Kind (D-WI), the immediate past co-chairman of the Congressional Sportsmen's Caucus, introduced H.R. 510 in the U.S. House of Representatives in 2009. The legislation was co-sponsored by fellow immediate past co-chair of the Congressional Sportsmen's Caucus, Rep. Paul Ryan (R-WI).

"Sen. Max Baucus (D-MT), chairman of the Senate Finance Committee, introduced a companion bill in the U.S. Senate. Joining Sen. Baucus in introducing the bipartisan legislation was Sen. Mike Crapo (R-ID), the current co-chair of the Congressional Sportsmen's Caucus. We continue to add co-sponsors to H.R. 510 and S. 632. Hopefully, with the support this legislation is getting we finally will be able to get this accomplished."

Born 1978 in Rochester, New York, Jake grew up in Massachusetts. He is a 2000 graduate of the University of Notre Dame with a degree in finance. After his undergraduate education he moved to the suburbs of Philadelphia to work as a financial analyst for nearly four years. Following his finance career, McGuigan earned his MBA from the University of Florida.

Before joining NSSF in 2007, Jake worked as a consultant to the packaging industry on federal regulatory matters and served as senior policy advisor for Rhode Island's Governor Donald Carcieri, whom he describes

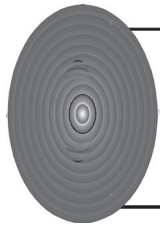
as "a political conservative."

In discussing microstamping, Jake describes it as "a patented process that laser engraves the firearm's make, model and serial number on the tip of the gun's firing pin so that, in theory, it imprints the information on discharged cartridge cases, but it does not work."

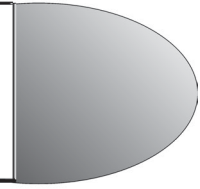
"California now is faced with trying to implement this patented sole-sourced technology this month in a very difficult budgetary environment. Law enforcement budgets already are under intense scrutiny and pressure, and this only will cause a greater negative impact with little affect on crime solving abilities. Since passage in California, there has been even more evidence to support examining microstamping before any mandate. Publicly available, peer-reviewed studies conducted by independent research organizations conclude that the technology does not function reliably and that criminals can remove the markings easily in mere seconds."

McGuigan states that, "Not only are law enforcement organizations statewide questioning microstamping, but also the National Resource Council, an arm of the national academies, published a report on ballistics imaging which also touched on microstamping and recommended further in-depth study. The NRC said 'further studies are needed on the durability of microstamping marks under various firing conditions and their susceptibility to tampering, as well as on their cost impact for manufacturers and consumers.'

"We believe that an in-depth federally funded study of microstamping is in order."



QUICK SHOTS



"Foreign financiers and domestic despots are willing to spend enormous amounts of money in order to see gun rights abolished in this country," writes Daniel White as the Cleveland Gun Rights Examiner. "Groups like the Joyce Foundation (of which Barack Obama was a board member for eight years) and the David & Lucille Packard Foundation work tirelessly to try to undermine the Second Amendment. The Joyce Foundation, an organization listing assets of nearly \$1 billion on their last financial statement, has paid out over \$12 million in grants in the last seven years to gun control groups in the Great Lakes region. This includes Saul Cornell, the Ohio State University Associate Professor of History who has written several anti-gun books and come under severe criticism for allegedly manufacturing data and source material. They also fund the Ohio Coalition Against Gun Violence, Mayors Against Illegal Guns Coalition, the Violence Policy Center, and other gun control groups using donations from wealthy elitists with an agenda of disarmament."



In Bessemer, Alabama, a bait shop owner acting in self-defense fatally shot an armed criminal who tried to rob the store, according to reports. "Police say that 41-year old Kevin Dudley of Pleasant Grove entered the bait shop, armed with a shotgun, and threatened the lives of those present as part of a robbery attempt," reports Self-Defense Examiner Eric Puryear. "The store owner is said to have grabbed his

own gun and shot Dudley in self-defense, putting an end to the violent robbery. Dudley reportedly died of his wounds, and none of the robbery victims were harmed. Police also say that Dudley may have committed a homicide and several other robberies, based upon surveillance camera footage and other evidence."



"The Obama administration remains anti-rights when it comes to the Second Amendment: Attorney General Eric Holder recently testified that there needs to be more federal gun control in the form of national gun owner registration," writes Howard Nemerov as the Austin Gun Rights Examiner. "Holder also wants to deny firearms purchases to anybody on the federal watch list. The American Civil Liberties Union (ACLU) stated that the federal government 'has failed to properly maintain the lists.' The ACLU noted: 'The ability of individuals to receive fair treatment when caught up in this system is still lacking after five years. Innocent victims cannot discover if they are a victim of the inaccuracies that riddle government and private databases, have been falsely accused of wrongdoing by someone, or have been discriminated against because of their religion, race, ethnic origin, or political beliefs.' Holder could potentially place any gun owner on a watch list simply because he considers Second Amendment support a threat to national security, creating an effective gun ban. This isn't an unreasonable scenario, considering that the Department of Homeland

Security recently apologized for including military veterans on their potential 'extremist' list."



Extremist gun control advocate Richard Aborn has returned as president of the Citizen Crime Commission of New York City after losing his campaign bid to become Manhattan district attorney. Aborn stepped down in October 2008. "On the campaign trail and off," reports The New York Times, "Aborn has continued to press on gun control. In the 1990s he led Jim and Sarah Brady's organization, Handgun Control, for several years. During the campaign, he issued a five-point plan that included regional interdiction approach to gun trafficking, more gun buyback programs, and a requirement that pistols sold in New York include micro-stamping technology."



In Magalia, California, Michael Kalinowski criticized the Willows Unified School District for expelling Gary Tudesko for "the lawful taking of game and transportation of firearms." He wrote in the Mercury-Register that, "students do not need written permission from the school district to exercise their constitutionally guaranteed rights... This is another example of local government seeking to expand its influence beyond reasonable bounds while infringing on citizen rights... I suspect the parents are owed civil compensation for the school district's actions."

4 Publications from the Second Amendment Foundation:



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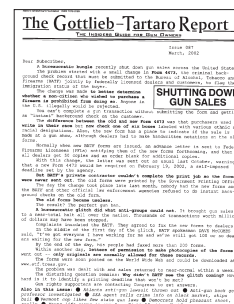
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