



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

ONE-GUN-A-MONTH BILL HIT BY CCRKBA



**March
2003**
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CCRKBA has ripped a proposal to prevent law-abiding American citizens from purchasing more than one handgun in any 30-day period.

Attacking the congressional proposal in Washington, D.C., CCRKBA Public Affairs Director John Michael Snyder said that “the idea behind this measure, which has been cropping up on the national level in recent years, really ignores the right of decent people to be able to protect themselves from violent criminals. By telling people that they can’t buy more than one handgun a month, anti-gun politicians in effect really are telling their own constituents that if they buy a handgun and it is stolen or found to be unsuitable they don’t have the right to get another one in a timely fashion for purposes of self-defense.

“In a certain sense,” Snyder continued, “the promoters of this legislation admit this weakness in their very own bill by granting an exception for the theft of a handgun but also stipulating that the owner would have to submit a copy of an official police report of the theft to a dealer. However, it takes time to file a report with the police, more time for the police to process the report, more time after that for the police to certify the report, more time after that for the robbery victim to actually obtain a copy of the report, and then more time after that for the victim-purchaser to get a copy of the report to the dealer.”

The bill, H.R. 221, titled the Anti-Gunrunning Act of 2003, was introduced in January by Rep. Robert J. Wexler (D-FL) and referred to the House Judiciary Committee. Co-sponsors include Reps. James P. Moran (D-VA) and Jerrold Nadler (D-NY).

Snyder accused them of trying to eliminate objections to the legislation by granting the police report exception. But that really just underscores the weakness of the bill as a limitation on the right to self-defense, Snyder argued

“They’re trying to have it both ways, but it just won’t wash,” he said.

Snyder said he hopes CCRKBA members and supporters will contact their own representatives, and urge them to oppose the measure.

H.R. 221 includes an obvious attempt to legislate into the federal criminal code an anti-gun philosophy and a wholesale anti-gun agenda, one which would equate guns and drugs, he asserted.

It would put Congress on record as finding and declaring, among other

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CCRKBA RELEASES STATE CCW REPORT CARD

Alaska received an A+ and Michigan an A for enacting new laws during the previous year that eased restrictions on the right to keep and bear arms, in the latest Concealed Carry Report Card issued by CCRKBA in Bellevue, WA.

However, Ohio and Wisconsin retained their F grades for having scuttled opportunities to create sensible concealed carry statutes, and New Mexico gets an F because that state's new concealed carry law included an "opt-out" provision that made it unconstitutional.

Concealed carry is becoming an increasingly hot topic at both the state and federal level. In the aftermath of the 9/11 terrorist attack, tens of thousands of Americans became gun owners for the first time in their lives, and began applying for licenses to

carry. National reciprocity is growing closer, and more states are looking at concealed carry as a legitimate option. Conclusive studies, such as those conducted by Professor John Lott of the American Enterprise Institute, have shown that concealed carry states have lower crime rates than states without it. However, as more and more states give their citizens back the rights of self-protection, extremist gun control organizations continue to pressure lawmakers to deny law-abiding citizens this essential right.

The report is a state-by-state breakdown of concealed carry laws of all 50 states. It includes a rating given by CCRKBA analysts. Included in the criteria used in the grading system are "May Issue" vs. "Shall Issue" laws, Safety Training requirements,

Thoroughness of Prescribed Background Checks, Persons prohibited from carrying, Prohibited places to carry, Licensing Procedures, and Reciprocity with other states.

Point Blank readers wishing to see the entire report could check the CCRKBA web site, www.ccrkba.org, or telephone CCRKBA National Headquarters at (425) 454-4911.

ONE-GUN-A-MONTH BACK AGAIN

Continued from page 1

things, that:

- crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;

- crime at the local level is exacerbated by the interstate movement of drugs, guns and criminal gangs;

- firearms and ammunition move easily in interstate commerce;

- the illegal movement of firearms, and handguns in particular, across

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state lines is a widespread and pervasive national problem;

- handguns (even when lawfully purchased) are unlawfully transported across state lines by gun traffickers and are illegally sold to prohibited persons;

- the illegal movement of handguns across state lines substantially affects the national market for firearms;

- the unlawful sale of firearms by traffickers provides a method by which firearms can be bought and sold anonymously, without background checks and without record-keeping requirements to enable gun tracing.



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

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WALDRON QUOTED ON ATF REASSIGNMENT

CCRKBA Executive Director Joe Waldron made news recently when he told the Cybercast News Service that the recent consolidation of the ATF under the Department of Justice appeared to make sense on paper, but cautioned “every American who believes in our constitutional form of government” to keep a close eye on the evolving agency.

With the reorganization, U.S. Attorney General John Ashcroft now has authority over firearm issues previously managed by the Bureau of Alcohol, Tobacco and Firearms under the Treasury Department. BATF was renamed the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) in late January.

According to CNSNews.com, anti-gun activists fear Ashcroft will be a weak enforcer of gun laws while some gun rights advocates worry that he will have too much power and might abuse it.

Since its inception, BATF has been responsible for regulating and collecting revenue for the U.S. Treasury Department, but its mission began to change following the Sept. 11, 2001 terrorist attacks.

President George W. Bush last November signed into law the Homeland Security Act, creating a new government department to combat terrorism. It stipulated that the BATF would be split into two entities in 2003.

In late January, all ATF issues pertaining to firearms were assigned to the Department of Justice while those concerning alcohol and tobacco tax and trade remained under the auspices of the Alcohol and Tobacco Tax and Trade Bureau (ATTTB) within the Treasury Department. The ATTTB will continue to operate within Treasury in nearly the same revenue

enforcement role it has maintained since it collected the first excise tax on distilled spirits in 1791.

ATF officials recently assured the agency’s 4,700 agents, inspectors, regulatory specialists, forensic auditors and laboratory technicians that their day-to-day activities will remain unchanged under the Department of Justice. The most prominent change is the presence of Ashcroft at the helm of the agency that has operated within the Treasury Department since 1972.

Gun control promoters fear that placing Ashcroft in charge of ATF will be detrimental to their efforts. Leah Barrett, Executive Director of the anti-gun Marylanders Against Handgun Abuse, accused Ashcroft of being “unabashedly the...poster boy” for the gun lobby.

Desmond Riley, spokesman for the anti-gun Coalition to Stop Gun Violence, said his organization is concerned that Ashcroft’s relationship with pro-gun groups may compromise ATF’s ability to effectively enforce firearm laws.

“It’s no secret he’s a friend of the NRA,” Riley said. “He received thousands of dollars from NRA when he was running for the Senate in Missouri.”

Riley also complained about Ashcroft’s interpretation of the Second Amendment.

“He doesn’t agree with our view on gun control laws,” Riley said. “He has an ‘individual rights’ interpretation of the Second Amendment.”

Riley was referring to a May 17, 2001 statement wherein Ashcroft wrote that, “the Second Amendment clearly protect(s) the right of individuals to keep and bear firearms.”

“I think it’s a weird position for him (Ashcroft) to be in,” Riley said,

“where he says there’s an individual right, yet he’s going to have to defend existing gun control laws, including bans on handguns. We wonder how vigorously he will enforce them...I know he said he would during his confirmation hearings, but we’ll see what happens.”

Waldron dismissed Riley’s concerns.

“The tone seemed to be that they were concerned with the regulatory functions,” he said. “Well, the regulatory functions are still alive and well within Treasury under the new Alcohol and Tobacco Tax Trade Bureau.”

“From a practical standpoint,” he continued, “I can understand the consolidation of criminal enforcement functions within the Justice Department. On the other hand, by creating this super law enforcement function – this consolidated function – you’re opening the door to the potential for abuse.”

Waldron said Americans should remain watchful of Ashcroft in his oversight of the reorganized ATF to ensure that the power that citizens have entrusted to their elected and appointed officials is not abused.

“In the past, we Americans have prided ourselves in something that has made us different from the Europeans, among others, is we have no such thing as a national police force,” Waldron said. “With the advent of the Department of Homeland Security and with the proposed expansion of government power to both detain people and to conduct searches that passed in the USA Patriot Act a year ago...the civil libertarian in me has concerns.”

BALLISTIC 'FINGERPRINT' ADVOCATES

Initial reaction to studies on the effectiveness of so-called ballistic "fingerprinting" as a crime prevention tool indicates some advocates of the process seem to be backing off in their promotion of it, as least as an immediate objective.

In Washington, D.C., CCRKBA Public Affairs Director John Michael Snyder noted that anti-gunners had made this technology their latest panacea to gun crime.

"The gun grabbers, for some time now," he said, "have been promoting the so-called 'ballistic fingerprinting' concept as part of their overall objective to undermine or eliminate the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. These people would like to prevent the sale of any firearm model not subjected to a ballistic test and the ballistic information recorded with some governmental agency. They say they want to do this because the ballistic information could be used to locate criminal users of guns in crime. Recent studies, though, have caused some of them to admit that they may be jumping ahead of themselves with this idea. They have not given up the idea entirely, but they at least have had to admit that they may not be entirely on the right track."

In Sacramento, CA for example, anti-gun Attorney General Bill Lockyer admitted the technology does not yet exist to enable California to track the ballistic "fingerprints" of every firearm made and sold in the state. According to the Associated Press, his report was based on studies at the center of the ongoing debate over the issue.

Lockyer, however, in trying to make a comparison to DNA technology of a decade ago, concluded that the

potential is so great that the federal government should make developing such technology a priority.

Lockyer's conclusions are based on two related California studies that found it currently is impractical to catalog the unique identifying marks from every firearm in California. He said, though, that the state should monitor the progress of more limited new ballistic handgun tracking systems in Maryland and New York.

Recording every firearm made and sold in California, the nation's most populous state, could be overwhelming, according to an internal California Department of Justice report made public last fall. When that report came out, it upset the game plan of gun control supporters such as Lockyer and the Brady Center to Prevent Gun Violence, known formerly as Handgun Control, Inc.

Lockyer sent that report to the federal Bureau of Alcohol, Tobacco and Firearms for rebuttal.

The BATF disputed much of the California report, concluding that even with current technology, "large scale ballistic comparison goes from an impossibility to a valuable investigative tool."

An independent report, however, supported the earlier state study and disputed BATF's rebuttal.

Belgian ballistics expert Jan De Kinder, of his country's National Institute for Forensic Science, made the independent report.

De Kinder rejected criticism of the state report made by the BATF

and by Forensic Technology, Inc., the company which produces the Integrated Ballistic Identification System that was tested by the state. That system is used in the fledgling national database being developed by the FBI and the BATF to compare guns and bullets recovered at crime scenes.

Not only was the system ineffective in a third to two-thirds of test firings, said De Kinder, but "the situation worsens as the number of firearms in the database is increased."

The California evaluation found that the number of potential computer matches to be reviewed by technicians "will be so large as to be impractical and will likely create logistical complications so great they cannot be effectively addressed;" that linking the same weapon to different crimes will not link the gun to a particular shooter, especially in gang crimes where guns are frequently

IS BACK OFF AS DATA DEBUNKS CLAIMS

shared; and that “cost effectiveness... has not been documented nor researched.”

In six years, the Southern California database had 433 “cold hits” from 338 firearms. Sacramento County had 14 matches but no prosecutions. Oakland police had 37 matches and one conviction.

In an attempt to rebut the California evaluation, BATF responded that computers can weed out more false matches and do it more quickly than the state study indicates, trimming the number to be reviewed by technicians to manageable levels; that all types of firearms can be catalogued, contrary to the state study, though revolver cartridges are rarely left at crime scenes because they are not ejected when the gun is fired; and that the state’s tests on 792 California Highway Patrol Pistols could have been skewed by using a commonly available ammunition that is too hard

to clearly show many markings.

De Kinder’s independent review found that at least a third and as many as nearly two-thirds of firearms tested by the state did not produce usable results, depending on the type of ammunition that was tested. The test methodology was valid.

Theoretically, De Kinder noted, a searchable database holds promise. Results could be improved by using different ammunition and by recording the markings made by firing several bullets from each gun. Forensic Technology, Inc. (FTI) could improve its technology.

De Kinder also said California should “consider” FTI’s suggestion to start a two-year experimental program or should monitor the results of ballistics comparison programs in Maryland and New York.

While the New York law went on the books just last year, Maryland in 2000 became the first state to require that new handguns must be “ballistically fingerprinted” before they can be sold in the state.

Under the Maryland law, every newly-manufactured handgun is required to be fired and the distinctive markings left on the bullet and/or cartridge case recorded and entered into a database before the gun can be sold. With a reported average cost of \$5,000 per shell casing, not a single crime has been solved as of

this writing. The number of laboratory personnel and administrators to run the program has risen, while a dozen Maryland state troopers have been assigned away from their job of ensuring public safety to working on the program.

The various “ballistic fingerprinting” proposals very easily and most likely would lead to general gun registration, since it would not be possible to keep a record of the firearm ammunition ballistics without registering the firearm.

They would be irrelevant to nearly all violent crime since about three out of four violent crimes do not involve firearms and since far less than one percent of the firearms used in American are used in crimes.

Criminals easily could circumvent the intent of the law since the criminals could alter the various parts of firearms before using them in crimes, thereby rendering useless any bullet/cartridge case comparisons.

Unlike real fingerprints, so-called “ballistic fingerprints” can change since the markings on the bullets and/or cases fired by a gun change as the gun change through wear.

In crimes generally, no “fingerprints” are left behind. In 87 percent of handgun-related violent crimes, for instance, the gun is not fired, only brandished. Many firearm designs, such as revolvers, do not eject fired cases, and shotguns do not fire bullets.

JUDGE LABARGA EARNS CCRKBA AWARD

The CCRKBA Gun Rights Defender of the Month Award for March goes to Cuban-born Circuit Judge Jorge Labarga of Palm Beach County, FL.

In late January, Labarga set aside the outrageous \$1.2 million verdict against the Valor Corporation for distributing the firearm used by 13-year-old Nathaniel Brazill to murder his teacher over two years ago.

"Judge Labarga," said CCRKBA Chairman Alan M. Gottlieb, "has allowed common sense and the rule of law to prevail over emotion. The Valor verdict defied logic by holding the Valor Corporation responsible for the willful act of a young thug. Nathaniel Brazill, who stole the pistol used to gun down Lake Worth Middle School Teacher Barry Grunow, is solely responsible for that crime, and not the distributor."

Jorge Labarga received his bachelor (1976) and law (1979) degrees from the University of Florida. He began his career as an Assistant Public Defender in West Palm Beach in 1979 where he served in the appellate, misdemeanor and felony divisions. In 1982, he joined the State Attorney's Office where he served in almost all divisions.

Five years later, Labarga joined the law firm of Wagner, Nugent, Johnson, Roth, Romano & Ericksen, P. A. in West Palm Beach where he specialized in personal injury cases. In 1992, Judge Labarga participated in the creation of the law firm of Roth, Duncan & Labarga, P. A. in West Palm Beach where he continued to practice in the areas of personal injury and criminal defense.

Judge Labarga carried an "AV" rating by Martindale-Hubbell while practicing law.

Governor Lawton Chiles appointed Labarga to the Circuit Court of the Fifteenth Judicial Circuit in 1996. He presently is assigned to the civil division where he serves as the administrative judge of the division. Labarga also has served in the family division.

In the recent case before Judge Labarga, Grunow's widow, Pamela, represented by lawyers from the anti-gun Brady Center to Prevent Gun Violence, had sued Valor, claiming that the distributor could have made the .25-caliber Raven semiautomatic pistol safer by installing some type of locking device.

The jury ruled that the gun was not defective. Judge Labarga ruled that their monetary award to Grunow was not consistent with that finding.

"Once again," said Gottlieb, "the Brady Center's attempts to hold the firearms industry responsible for the vicious acts of criminals, regardless of their age, have been thwarted. Valor distributed a product that was not defective. Installation of a trigger lock or some other device may or may not have prevented the young killer from using that particular gun, but it likely would not have stopped him from committing murder."

Brazill, noted Gottlieb, "clearly demonstrated his intent by stealing the gun in the first place. He took the unloaded pistol and ammunition, deliberately loaded the gun and went to school. Claiming Valor was in any way responsible for that, financially or otherwise, is beyond logic, and we're delighted that Judge Labarga understood that."

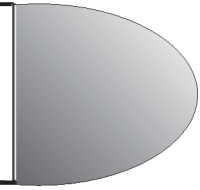
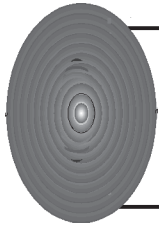
Brazill was sentenced to 28 years in prison for shooting Grunow in a confrontation outside of the classroom.

"Nathaniel Brazill, not Valor or anyone else," said Gottlieb, "pulled the trigger and took Barry Grunow's life. Justice has been served twice, the first time by sending Brazill to prison, and now by setting aside a ridiculous and contradictory jury verdict."

It was in May of 2001 that Brazill was convicted of second-degree murder in the shooting of his 35-year old teacher and sentenced to 28 years in prison. Although in the civil case the jury found the gun was not defective, it did find that Valor was negligent for not supplying a lock with the handgun. It was because of that inconsistency that Judge Labarga threw out the monetary award. It is likely that the plaintiff, the teacher's widow, will appeal that ruling, according to nationally-syndicated columnist David Limbaugh. Raven, the actual manufacturer of the gun, is out of business and was not named in the suit.

Judge Labarga has lectured numerous times in seminars in the areas of personal injury and criminal defense and has lectured in courses offered during the yearly Advanced Judicial Studies seminar offered by the Conference of Circuit Court Judges. Judge Labarga also has served as an Associate Judge with the Fourth District Court of Appeal and has authored a number of appellate opinions.

Judge Labarga was born on Oct. 21, 1952 in Havana, Cuba. He and his wife, Zulma have two daughters,



The Transportation Security Administration (TSA) plans cautious implementation of the plan to allow commercial airline pilots to carry guns. Only 50 pilots will be in the initial program, according to TSA. Directed last year by Congress to develop a training program by the latter part of last month, TSA had yet to finalize decisions about other details of the program, including the exact date training will begin, how guns will be transported to airplanes and how pilots will interact with federal air marshals. TSA plans to spend \$500,000 for an initial program to start in the next few months. The initial 50-pilot test phase will last several weeks before the agency launches the all out program, according to TSA spokesman Robert Johnson.

The anti-gun Violence Policy Center (VPC), which seeks a ban on .50-caliber rifles, claims that they, along with armor-piercing ammunition that bursts into flames on impact, pose a serious threat to airliners at airports. "This is not just a gun control issue," says VPC senior policy analyst Tom Diaz. "It's a national security issue." John Plaster, a retired Special Forces officer who has tutored police snipers, noted that the rifles were awkward to maneuver, weighing about 35 pounds. The VPC is being "very unrealistic," he says. "I have never heard of a commercial plane anywhere in the world that was seriously damaged while in flight by a .50-caliber rifle. It's not by any means a choice weapon."

When Attorney General John Ashcroft gave his first significant report on Project Safe Neighborhoods, The Wall Street Journal editorialized that

"gun criminals, and the gun control lobby, might take notice." In 2002, more than 10,600 defendants were charged with violating federal firearm statutes, and 93 percent received prison sentences. Seventy-one percent will spend three or more years in jail. "This is important," according to the Journal, "because two-thirds of all firearm crimes are committed by repeat offenders. These are the people who will get their hands on illegal weapons no matter how many thousands of gun laws are on the books. The Clinton Administration never grasped this point and spent its time devising new ways to keep average citizens from getting guns, while leaving bad guys on the street."

Ninety-five percent of respondents in a viewer poll conducted by the Cybercast News Service think toy guns should not be banned. Four percent think they should and one percent is not sure. CNSNews.com posed the question on the Internet just last month after gun grabbers on the New York City Council moved to ban toy guns. The toy gun grabbers are bent out of shape by a Libertarian Party of Manhattan plan to give away toy guns to children at a Harlem school. "Playing with a water pistol is one of the most cherished rites of childhood," said Libertarian Party spokesman Jim Lesczynski. "We want to give that experience to New York's children before the spoilsports in City Hall take it away permanently."

"Criminals aren't going to register their guns," says Bruce Hutton, a former

Royal Canadian Mounted Police officer and founder of the Law-abiding Unregistered Firearms Association, which has 30,000 members throughout Canada. Government efforts there to establish a national firearms registry and licensing programs to track gun owners and their guns are meeting with "surprising broad resistance," reports Joel Bagnole from Ottawa in The Wall Street Journal, "partly because of significant cost overruns that have turned the program into a political hot potato." Hutton says "this registry will do nothing to stop gun crimes, murders and suicides in this country."

In the Philippines, anti-gun President Macapagal-Arroyo banned the carrying of guns by civilians and off-duty police and military in public places and suspended indefinitely the issuance to civilians of gun licenses and permits to carry firearms. Gunless Society Founder and President Nandy Pacheco praised the move as being "for the common good." The Peaceful, Responsible Owners of Guns (PROGUN) group announced it will question the directive in court and vowed to conduct mass actions. Rep. Augusto Syjuco of Iloilo said the President's order "leaves law-abiding citizens defenseless."

