

# POINT BLANK

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



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2010**  
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## **CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS**

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## **CCRKBA WILL SUPPORT PRO-GUN SENATE MOVES**

"CCRKBA will support pro-gun moves reportedly under consideration by strong Second Amendment supporters in the United States Senate," John M. Snyder, CCRKBA Director of Public Affairs, announced.

"The cumulative effect of the elections for governor in Virginia and New Jersey and for the U.S. Senate seat held for decades in Massachusetts by the late-anti-gun standard bearer, Edward M. Kennedy, and of numerous public meetings and national public opinion surveys, is to send a clear message to politicians that American voters are fed up with politics as usual and determined to see a real change in national policies," he said.

"Among the things that disgusts Americans in general and the country's 100 million law-abiding gun owners in particular is the political shenanigans involved last summer in the defeat of a proposal by Sen. John Thune of South Dakota, CCRKBA 2009 Legislator of the Year, to allow an individual with a state-issued permit to carry a concealed firearm to carry the firearm in any state provided the carrier complied with the laws of the host state," Snyder continued. "The Thune proposal actually got 58 votes in favor and only 39 votes against but failed because it did not get the 60 votes needed to include it as an amendment to pending legislation.

"Now pro-gun Senators think there may be an opportunity to bring this and other pro-gun proposals as amendments to pending legislation, such as appropriations measures, and secure passage through the Senate. We will endorse such developments when they occur."

A Capitol Hill newspaper, Roll Call, reported last month that Sen. Tom Coburn of Oklahoma, who is a former CCRKBA Gun Rights Defender of the Month, "has quietly been preparing a series of gun-rights amendments that he intends to offer to must-pass Senate bills this year, hoping to force Democrats to take tough votes and draw clear distinctions between the two parties heading into the midterms."

Among the provisions Sen. Coburn is considering, according to the report, is one "extending concealed-carry permits across state lines."

"This idea of national concealed carry reciprocity definitely is one which has long since come," stated Snyder. "The fact that ccw is so popular in the states is an indication of this.

"Also, it's becoming a necessity for both personal and public defense reasons. The potential for having to be able to resist terrorists with force is real. Intelligence officials regard future terrorist attacks as 'certain.'"

"Americans need guns for protection," Snyder said, "and ought to be able to carry them from state to state without unnecessary legal interference."

# DEMAND FOR ARMED AIR PROTECTION ON INCREASE

After the abortive Christmas Day attempt to blow up a Detroit-bound flight by alleged terrorist Umar Farouk Abdulmutallab, there is an increased demand for allowing appropriate persons to carry firearms on board aircraft.

Immediately after the terrorist bombings in New York City and at the Pentagon on September 11, 2001, CCRKBA was the first to demand that pilots be allowed to carry firearms.

This resulted in legislation that created an armed pilots program, under which pilots who receive federal instruction and certification are authorized to carry guns on aircraft under certain conditions.

A number of anti-gun individuals never liked the program and have tried frequently to undermine it.

After the recent incident, proponents of armed protection on aircraft have been saying there are not enough people with guns on enough aircraft to provide adequate security for crew and passengers from terrorists and other criminals.

The Airline Pilots Security Alliance maintains that "preventing new 9/11's requires 50,000 to 60,000 armed pilots to guarantee 97 percent of airline flights have a robust deterrence and defense against terrorist attacks.

"To attain this participation level, the Federal Flight Deck Officer Program must be modified to encourage pilots to volunteer and streamlined to train them. Dangerous program attributes like requiring carrying firearms in steel containers across the country; onerous, months-long application bureaucracies; inadequate credentialing; hostile management; lack of international flight coverage and no officer support; have eviscer-

ated the program and stunted the program. Years after 9/11, only a very small percentage of pilots are armed."

In a column, Michael Smercomish reported in the Philadelphia Inquirer that the Federal Law Enforcement Officers Association (FLEOA) has asked Obama "to allow all appropriately certified federal, state and local officers to take guns aboard domestic flights. Currently, those officers are authorized by law to carry wherever they are in the country. But the overwhelming majority cannot take a gun onto a plane unless they have department approval – and only when the travel is work-related. The FLEOA wants that allowance expanded to include all officers – active or retired, federal or local, on or off duty – and all types of travel."

FLEOA is "the country's largest nonprofit group that exclusively represents federal law enforcement officers," Smercomish explained. "Its 26,000 members work for an alphabet soup of national security entities: the FBI, DEA, and FEMA, for example. Not to mention Homeland Security agencies like Border Patrol, Secret Service, and the Transportation Security Administration."

To be able to carry a gun on a plane, officers would have to comply with standards of the Law Enforcement Officers Safety Act of 2004, including federal air marshal training and registration, medical certification, and current firearms qualifications.

These officers, notes the columnist, "are clearly capable of becoming another in-flight deterrent in case of emergency. Active and retired officers, the FLEOA correctly notes, have garnered 'invaluable' experi-

ence and training in firearms use. Most significant in my mind are their skills 'in surveillance techniques to identify potential criminals or terrorists' that could be put to use in the air.

"The need for that expertise is acute. A CBS News report last week indicated that an estimated 3,000 to 4,000 air marshals are expected to cover the approximately 27,000 domestic and international flights in the air each day."



# POINT BLANK

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

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# CCRKBA CONTINUES ATTACK ON PROPOSED UN GUN TREATY

CCRKBA is continuing its attack on a proposed United Nations international treaty (ATT) on firearms regulations as it views the contemplated agreement as an assault on the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms.

"Make no mistake about it," said John M. Snyder, CCRKBA Public Affairs Director, in Washington, D.C. "Proponents of this treaty in the United States and around the world see this document as a way in which gun rights of Americans could be undermined, subverted or even eviscerated. This is why Americans, especially gun-owning Americans, must be alert to the damaging potential of this treaty, and ready and willing to join with us in continuing to oppose it and to battle it.

"Specifically, CCRKBA members and supporters can be assiduous in contacting both of their U.S. Senators and demanding that they refuse absolutely to ratify this document if and when it is submitted to the Senate. In fact, the issue of the Arms Trade Treaty and their position on it should be a matter with which candidates for the U.S. Senate are confronted and questioned this year and in 2012."

Snyder said that, "This is potentially a dangerous situation. When George W. Bush was president, the United States opposed this idea as an infringement of Americans' Second Amendment rights. However, under the current presidential administration of Barack Hussein Obama, this is not the case. Just last October, his Secretary of State, Hillary Rodham Clinton, stated that, 'Conventional arms transfers are a crucial national security concern for the United

States, and we have always supported effective action to control the international transfer of arms. The United States is prepared to work hard for a strong international standard in this area.'

"At that point, the United States voted for a resolution to set a schedule on the proposed treaty including a proposal to finalize the agreement in 2012. We believe that the Obama administration, knowing that unreasonable gun control is a no-brainer in the United States, where 100 million Americans own 200 million rifles, shotguns and handguns and have bought over 10 million firearms since Obama's inauguration, sees this as a backdoor vehicle to go after Americans' guns."

John Bolton, who served as Permanent United States Representative to the United Nations during the Bush administration, commented recently that the Obama administration "is trying to act as though this is really just a treaty about international arms trade between nation states, but there's no doubt – as was the case back over a decade ago – that the real agenda here is domestic firearms control."

In analyzing the program of the various domestic and international organizations supporting the treaty, Bolton stated that, "There's never been any doubt when these groups talk about illicit international trafficking in small arms and light weapons, it begs the whole question of what's legal and what's not legal. And many of the implications of these treaty negotiations are very much in their domestic application. So, whatever the appearance on the surface, there's no doubt that domestic firearm con-

trol is right at the top of their agenda."

Looking ahead to a future and unwelcome possibility, Bolton said that, "After the treaty is approved and it comes into force, you will find out that it has this implication or that implication and it requires the Congress to adopt some measure that restricts ownership of firearms. The (Obama) administration knows it cannot obtain this kind of legislation purely in a domestic context. They will use an international agreement as an excuse to get domestically what they couldn't otherwise."

Criticizing the resolution for the treaty from an international perspective in a background analysis of the situation, the Heritage Foundation noted that, "Although putatively intended as an arms control measure that would reduce conflicts and limit the ability of terrorists and international crime to obtain weapons, the treaty contemplated by the resolution would in reality be a license to almost all states, no matter how irresponsible, to buy and sell arms. The projected treaty would endanger U.S. arms export control policy, clash with the Constitution, offer a dangerous justification for dictatorial rule, and make it illegal under international law for the U.S. to support freedom fighters abroad."

Heritage warns that the treaty "could be established as another destructive precedent in multilateral arms control and a 'norm' for sympathetic lawyers and judges in the U.S. to draw upon and thereby subvert U.S. sovereignty."

There will be two meetings held in New York at the U.N. this summer to work on the exact language of the proposed ATT.

# CCRKBA ACTIVIST CHALLENGES FEDERAL FIREARM REGULATIONS

Gary Marbut, who holds a CCRKBA Gun Rights Defender of the Month Award, is spearheading an interesting challenge to the universal applicability of certain federal gun control laws and regulations.

Gary contends that if a firearm is manufactured in a specific state, is sold, bought and used in that state and that state only, it may not be said to be involved in interstate commerce and therefore should not be subject to federal law under the interstate commerce clause of the United States Constitution. It is that clause which allegedly grants Congress power to regulate firearms somehow involved in interstate commerce.

For years a pro-gun rights activist, Gary is President and Chairman of the Board of Directors of the Montana Shooting Sports Association (MSSA).

Last year, largely through the encouragement of Gary and MSSA, Montana state legislators Joel Boniek, Gerald Bennett, Edward Butcher, Aubyn Curtiss, Lee Randall and Wendy Warburton proposed the Montana Firearms Freedom Act (MFFA) to exempt firearms made and kept in the state of Montana from United States federal firearms regulations.

The proposal was enacted last year by the Montana State Legislature and signed into law by Governor Brian Schweitzer.

MFFA has no requirements for registration, background checks or dealer licensing. It applies to firearms other than machine guns, along with ammunition and accessories, provided that these items are manufactured in the state, and do not leave the state.

This law prohibits federal law or

regulation on any personal firearm, a firearm accessory, or ammunition that is manufactured commercially or privately in Montana and that remains within the borders of Montana.

The law does not apply to a firearm that cannot be carried and used by one person, a firearm that has a bore diameter greater than an inch and a half and uses smokeless powder, ammunition that uses exploding projectiles or fully automatic firearms.

Last summer, the federal Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) published an open letter to Montana Federal Firearms Licensees, outlining its position on the MFFA. BATFE stated that, "Because the Act conflicts with federal firearms laws and regulations, federal law supersedes the Act, and all provisions of the Gun Control Act and the National Firearms Act, and their corresponding regulations, continue to apply."

However, on October 1, the MFFA became effective. At that time, Gary Marbut, MSSA and the Second Amendment Foundation, a sister organization of CCRKBA, filed a complaint against Eric H. Holder, Jr., Attorney General of the United States, in the United States District Court for the District of Montana, to validate the MFFA, seeking a declaratory judgment "for the purpose of determining a question of actual controversy between the parties."

The complaint states that, "The activity authorized under the MFFA is primarily political. It has a commercial element, but the purpose is to allow Montanans who wish to avoid interference by the United States government in their legitimate activity (specifically, manufacturing and selling small arms and small arms ammunition), to do so if they strictly confine such activity

to the political boundaries of their own state. Although there are commercial elements to the statutory scheme, they are incidental to the material purpose and function of the MFFA. Passage of the MFFA was an express exercise by the State of Montana of powers reserved to the states and to the people under the 10<sup>th</sup> Amendment of the United States Constitution. The MFFA is also authorized under the conditions of the compact with the United States that Montana entered upon admission to the union. The United States Congress therefore has no authority, under the powers granted to it by the United States Constitution, to preempt the MFFA."

In January, the Department of Justice filed a Motion to Dismiss, seeking to avoid the legal merits by asserting that the complainants lack standing to sue, that a justiciable controversy does not exist, and that prevailing case law is against plaintiffs.

Marbut said that, "The first import of this response is that the legal game is now on. There was some concern that the defendants would forfeit the game with no response in an effort to prevent this important issue from being adjudicated properly. We are now beyond that hurdle."

CCRKBA Chairman Alan M. Gottlieb said he was "disappointed but not surprised that the government would try to kill this suit on standing, rather than arguing about the merits of the case."

Meanwhile, Tennessee enacted a clone of the MFFA, and similar measures have been introduced in the legislatures of 19 other states.



## CCRKBA PLEASED WITH COUNTY COURT RULING

CCRKBA lauded a King County, Washington Superior Court decision that struck down a ban on guns in Seattle city parks because the ban violated Washington State's long-standing preemption statute.

CCRKBA, five individual plaintiffs, the Second Amendment Foundation, the National Rifle Association and the Washington Arms Collectors joined in the lawsuit against the gun ban.

Superior Court Judge Catherine Shaffer ruled from the bench that the gun ban, adopted under former Mayor Greg Nickels, violated Washington State's law, which placed sole authority for regulating firearms in the hands of the State Legislature. That law was adopted in 1983 and amended in 1985. It has been used as a model for similar laws throughout the United States.

In her ruling, Judge Shaffer stated that, "The court finds that the plain-

tiffs have a clear or equitable right to carry firearms under the federal and state constitutions."

"This is a great victory for the rule of law and Washington State citizens," said CCRKBA Chairman Alan M. Gottlieb.

"It also is a victory for the Legislature, because this case affirms the intent of lawmakers in 1983 to prevent cities like Seattle from creating a nightmare patchwork of conflicting and confusing firearms regulations. The ruling solidifies the legislature's authority and sends a message to city and county governments to stop meddling with the rights of Washington State citizens."

One local politician who apparently has not yet gotten the message is Nickels' successor, freshman Seattle Mayor Mike McGinn. He wants the Washington State Legislature to change the 26-year old preemption

statute so that the city government of Seattle can institute the ban that Judge Shaffer voided.

"I am disappointed in today's ruling," McGinn stated. "Cities should have the right to restrict guns in playgrounds, pools and community centers where children are present. The court's ruling was based on a state law which preempts Seattle from regulating the possession of firearms. It's time for the State Legislature to change that law."

In so stating, wrote Dave Workman, CCRKBA Communications Director, who also lives in the Seattle area, "McGinn has dispelled any doubt that he is a disciple of far left liberal politics."

Seattle Assistant City Attorney Gary Keese said that, "We will comply with the court order and are weighing with the mayor and City Council the options for appeal."

## CITIZEN ACTION PROJECT

A recent column by Chicago Tribune editorial board member Steve Chapman, who frequently writes on the gun control issue -- from our perspective -- observed that while President Barack Obama's history as a state legislator may have been anti-gun, as chief executive of the United States he has been cool to gun control proposals. In Chapman's words, "It's because his mother didn't raise a fool."

Obama's apparent turnabout on gun control may give gun owners a brief respite, but don't be lulled into a false sense of security. The pro-gun provisions Obama signed into law were attached to legislation he wanted. While Obama doesn't want to take the lead in promoting new gun controls, should such measures be included in other "must pass" legislation, he would gladly accept such cover and sign the bill(s).

There are currently more than a dozen gun control bills sitting in committee in Congress, awaiting the right incident to give them momentum. These include H.R. 45. (The Blair Holt Firearm Licensing and Record of Sale Act), H.R. 2324 (Gun Show Loophole Closing Act), H.R. 2401 (No Fly, No Buy Act), S.843 (Gun Show Background Check Act) and S.1317/H.R. 2159 (Denying Firearms and Explosives to Dangerous Terrorists). High-sounding titles, but pure and simple gun control bills. Language from any of these bills could be slipped into another bill and sent to the President for signature.

Write to your federal Senators and Representative and ask them to keep you informed of any attempt to incorporate gun control language into ANY ongoing legislation. Contact information for your elected officials is available in the left margin ("Congressional Information") at <http://www.ccrkba.org>

# MARYLAND DELEGATE THE CCRKBA DEFENDER

Delegate Richard D. Smigiel, Jr. of Maryland is the CCRKBA Gun Rights Defender of the Month for March.

In nominating this member of the Maryland House of Delegates for the Award, John M. Snyder, CCRKBA Public Affairs Director, stated that, "Delegate Smigiel is a forthright, articulate and determined advocate of law-abiding citizens' gun rights in the midst of a state and in that state's legislature at a time when opposition to gun rights is and for some time has been in the ascendancy. However, this has not and does not stop Mike Smigiel in his promotion of the individual, Second Amendment civil right to keep and bear arms. In fact, he is an advocate within the legislature of the so-called Free State for a policy of shall issue on the concealed carry controversy. He certainly deserves this CCRKBA award for recognition of his service to the gun rights movement."

While the vast majority of states require that permits to carry concealed firearms be issued to qualified applicants, a number, including Maryland, allow such permits to be issued only at the discretion of a government authority.

In an effort to, among other things, highlight the inanity of this policy in this day and age, Delegate Smigiel has introduced legislation in Annapolis, the State Capital, to provide that, "A license issued by Delaware, Pennsylvania, or Virginia to an individual to carry a regulated firearm, including a concealed regulated firearm, is valid in this state."

The proposed legislation, House Bill 52, has been assigned to the

Judiciary Committee.

If passed, it would underscore the ridiculous nature of Maryland's policy by making it easier from a legal standpoint for individuals with CCW permits from contiguous states to carry legally in Maryland than it is for individuals in Maryland without CCW permits from contiguous states.

HB 52 would define regulated firearm to mean a handgun.

It also would include in the definition of firearm a list of specific "assault weapons" or their copies, regardless of which company produced and manufactured the "assault weapon."

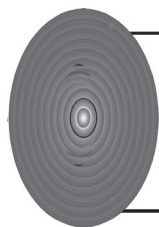
Included in the list are American Arms Spectre da Semiautomatic carbine; AK-47 in all forms; Algimec AGM-1 type semi-auto; AR 100 type semi-auto; AR 180 type semi-auto; Argentine L.S.R. semi-auto; Australian Automatic Arms SAR type semi-auto; Auto-Ordnance Thompson M1 and 1927 semi-automatics; Barrett light .50 cal. semi-auto; Beretta AR 70 type semi-auto; Bushmaster semi-auto rifle; Calico models M-100 and M-900; CIS SR 88 type semi-auto; Claridge HI TEC C-9 carbines; Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle; Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2; Drugunov Chinese made semi-auto; Famas semi-auto (.223 caliber); Feather AT-9 semi-auto; FN LAR and FN FAL assault-rifle; FNC semi-auto type carbine; F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun; Steyr-AUG-SA semi-auto; Galil models AR and ARM semi-auto; Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3; Holmes model 88 shotgun; Avtomat Kalashnikov semiautomatic rifle in any format; Manchester Arms "Commando"

MK-45, MK-9; Mandell TAC-1 semi-auto carbine; Mossberg model 500 Bullpup assault shotgun; Sterling Mark 6; P.A.W.S. carbine; Ruger mini-14 folding stock model (.223 caliber); SIG 550/551 assault rifle (.223 caliber); SKS with detachable magazine; AP-74 Commando type semi-auto; Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand; Street sweeper assault type shotgun; Striker 12 assault shotgun in all formats; Unique F11 semi-auto type; Daewoo USAS 12 semi-auto shotgun; UZI 9mm carbine or rifle; Valmet M-76 and M-78 semi-auto; Weaver Arms "Nighthawk" semi-auto carbine; and Wilkinson Arms 9mm semi-auto "Terry."

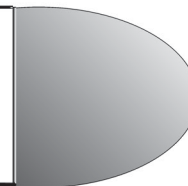
Smigiel has been in the House of Delegates for 10 years, and has been Minority Parliamentarian for three years. He represents Caroline, Cecil, Kent and Queen Anne Counties. A member of the Judiciary Committee, he serves on the Juvenile Law and Criminal Justice Subcommittees.

He has been a member of the Maryland Legislative Sportsmen's Caucus since 2003.

Born in Baltimore, Maryland on June 18, 1958, Smigiel served in the U.S. Marine Corps 1975-79. He earned a Bachelor of Arts degree in political science from Northern Illinois University in 1985 and a Juris Doctor degree from Northern Illinois University College of Law in 1989. He was admitted to the Maryland Bar the same year. He is a member of the Cecil County Bar Association, the Maryland Trial Lawyers Association, the Family Services Association, and the Leadership Maryland Forum for Policy Change



# QUICK SHOTS



"I shot because he was trying to shoot me," Clyde Tucker told Channel 12 news in Cincinnati, Ohio after two men broke down his door at the Hale Apartments in late January. "I could have shot him two or three times." The television report indicated that "emergency rooms around the Tri-State are on the alert, waiting for a suspect police believe was shot by a 77-year old Avondale man (Tucker) in self-defense." Tucker said lately residents of his building have been victims of thugs who break down doors and rob them. Tucker said he was ready. "The guy was knocking on my door and I didn't respond so I got my pistol out." Tucker fired and the men ran out of the building. A witness, Eric Hamilton, saw the men run out and says it was clear on of the suspects had been hit by a bullet.



According to U.S. Treasury Department solicitation number TIRWR-10-Q-00023 last month, "The Internal Revenue Service (IRS) intends to purchase sixty Remington Model 870 Police RAMAC #24587 12 gauge pump-action shotguns for the Criminal Investigation Division. The Remington parkerized shotguns, with fourteen inch barrel, modified choke, Wilson Combat Ghost Ring rear sight and XS4 Contour Bead front sight, Knoxx Reduced Recoil Adjustable Stock, and Speedfeed ribbed black forend, are designated as the only shotguns authorized for IRS duty based on compatibility with IRS existing shotgun inventory, certified armorer and combat train-

ing and protocol, maintenance, and parts. Submit quotes including 11% Firearms and Ammunition Excise Tax (FAET) and shipping to Washington DC."



"In contemplating an investment in the stock of gun and ammunition companies," wrote Susan Dale last month in HumanEvents.com, "one needs to understand that this particular part of the business landscape differs from just about any other business sector. There are several reasons for this; the first and most significant is the ever-present elephant in the room regarding this sector. On the surface, the products of gun and ammunition companies, in terms of putting one's money into a product attractive to the investing public, would seem to be the same as any other being produced, marketed and competing in the American and international markets. Unlike most of the other products in these markets, however, gun and ammunition company stock will never escape from the political and/or legislative agenda that those committed to either the support of or the opposition to the Second Amendment espouses. Both sides of this issue are equally passionate: to some Americans, being able to exercise their 2<sup>nd</sup> Amendment rights is akin to a guarantee of their liberty; to those on the other side of the issue, gun ownership is tantamount to a license to kill. Both sides of this issue engender vociferous, active and well-funded voices, and, as a result,

the very fact of gun ownership has become and probably always will be, controversial, and certain to create significant movement on either or both sides of the issue."



In India, where getting a license for a firearm is a "cumbersome process," according to Rama Lakshmi of The Washington Post, the Ministry of Home Affairs proposed amendments to the Arms Act to make getting a gun even tougher. In late January, "the National Association for Gun Rights India began meeting with lawmakers and consulting lawyers in a bid to stall the proposals. The group's president is a 39-year-old lawmaker, Naveen Jindal, who studied at the University of Texas business school in Dallas."



"Arizona's permissive gun laws gained national attention last year when a man openly carried an AR-15 rifle to a protest outside a speech by President Obama," the Associated Press noted last month. "Now, gun rights activists are hoping for even fewer restrictions on where they can have a firearm. Among their top goals is to make Arizona the third state where it is legal to carry a concealed weapon without a permit. Bills in the House and Senate would also eliminate the background checks and training classes for people to carry hidden guns."

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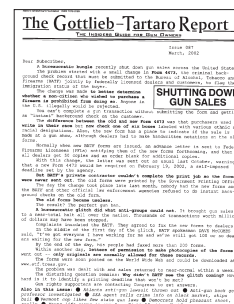
At last, an academic journal dedicated to scholarly discussion of firearms and public policy! The JOURNAL OF FIREARMS AND PUBLIC POLICY has published annually since 1989. Its mission: to encourage objective research on the right to keep and bear arms, and explore America's Constitutional heritage to privately own and possess firearms. Contributors include Randy E. Barnett, Glenn Harlan Reynolds, John R. Lott, Gary Kleck, Stephen Halbrook, Dave Kopel, Gary Mauser, Colin Greenwood, Clayton Cramer and others.

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