POINT BLANK

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



September 2010

Volume XXXV No. 9

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CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

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CCRKBA HITS PLAN TO REGISTER AMMO

CCRKBA hit a plan last month to require ammunition registration in San Francisco, California, the location of this year's annual Gun Rights Policy Conference (GRPC). The revelation that the City of San Francisco might consider an ammunition registry scheme brought a promise from CCRKBA that a lawsuit would quickly follow.

CCRKBA Chairman Alan M. Gottlieb said a report in the *San Francisco Examiner* that Supervisor Michela Alioto-Pier is working with the City Attorney's Office to "craft legislation" regarding an ammunition registry shows the city has learned nothing from the its defeat in court over a 2005 gun ban proposition.

Gottlieb noted that, since the Second Amendment now has been incorporated to the states by the U.S. Supreme Court, proposals such as this ammunition registry requirement plan are of an even more dubious nature.

"It appears that Alioto-Pier is trying to be too clever by half," Gottlieb said. "It's a *de facto* registration scheme hiding behind a make-believe effort to crack down on violent crime, and she knows it. We will fight it."

He observed the irony in the city's consideration of such an idea since GRPC, cosponsored by CCRKBA and SAF, was taking place at the San Francisco Airport Hyatt Regency Hotel. Gun rights activists from across the nation are gathering at the hotel September 24-26 to discuss recent court cases, current legal actions and anti-gun proposals like the one now being formulated by Alioto-Pier.

"It would seem to me that with the state's economy in tatters, cutbacks in public safety budgets and federal courts mandating that more criminals must be released from prisons that the city would not make it harder for citizens to defend themselves," Gottlieb stated.

"You can bet we'll be discussing this at our September conference. Ms. Alioto-Pier has an open invitation to attend and explain her scheme to a room full of experts."

Among the issues up for discussion at GRPC in the anti-gun Speaker Nancy Pelosi's home city are proposed and pending anti-gun federal legislation, such as plans to reinstitute the Clinton era's failed ban on certain semiautomatic firearms and even to extend and make permanent the ban, plans to undermine and even eliminate thousands of gun shows throughout the nation, attempts to make the United States party to international anti-gun treaties, agreements and covenants, and others.

Gun rights activists also plan on discussing ways to promote pro-gun legislative ideas, such as national recognition for state-issued permits to carry concealed firearms, constitutional carry, and other pro-gun initiatives.

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CCRKBA SUPPORTS PRO-GUN BILL FOR AMERICAN SOLDIERS

"We support whole-heartedly bills introduced recently in the Senate and the House of Representatives to protect the gun rights of our soldiers," John M. Snyder, CCRKBA Public Affairs Director, said.

S. 3388, the proposed Service Member Second Amendment Protection Act, was introduced by Sen. Jim Inhofe of Oklahoma, and referred to the Committee on Armed Services. Inhofe introduced a similar proposal as an amendment to the National Defense Authorization act, and the Armed Services Committee adopted it. H.R. 5700, a companion measure, was introduced in the House by Rep. Jerry Moran of Kansas, and referred there to its Armed Services Committee.

S.3388/H.R.5700 would protect the Second Amendment rights of soldiers and Department of Defense civilian employees by prohibiting the DOD from requiring the registration of privately owned firearms, ammunition or other weapons beyond what is already required by federal law.

"We believe firmly that our service men and women should receive the protection the enactment of this legislation would afford them," said Snyder. "Congress should move swiftly and positively on the proposal."

Sen. Inhofe proposed the measure because, as a reaction to the Fort Hood shooting, "some military bases and DOD installations have instituted or are looking at instituting regulations that violate the Second Amendment rights of soldiers and individuals working for DOD" and Inhofe wants "to address these potential Second Amendment violations."

"We deplore in no uncertain terms the horrid acts of Nidal Malik Hassan

at Fort Hood," said Snyder, "and the factors that led up to and surround this attack should be thoroughly and incisively investigated. However, we agree 100 percent with Sen. Inhofe that, 'Punishing law-abiding citizens who work at military installations and honorably serving members of our military by violating their Second Amendment rights is not an acceptable approach. Adding more gun ownership regulations on top of existing state and federal law does not address the problems associated with Hassan's case, nor will gun ownership over-regulation prevent similar heinous attacks in the future. This bill will prevent current and potential Second Amendment violations for those serving and employed by the Department of Defense."

Sen. Inhofe said he "traveled to Fort Hood after the attacks and met with the families of those who lost their loved ones. We owe it to them and to the rest of our military family to have a real approach to prevent future attacks. Political correctness and violating constitutional rights dishonors those who lost their lives and is an extreme disservice to those who continue to serve their country."

Specifically, S. 3388/H.R. 5700 would allow a military or civilian employee of the Department of Defense to possess, own, carry, or use a privately owned firearm or ammunition in keeping with state and federal laws without the additional interference of the Department of Defense when those items are not located on property owned and operated by DOD.

Under the bill, DOD would continue to regulate military and civilian employee's possession of a firearm

while on official business or in uniform.

"All law-abiding Americans, particularly the men and women who wear the military uniforms of the United States, are entitled to all of the rights and liberties for which our forefathers and their successors struggled to achieve and maintain, including and especially our individual Second Amendment civil right to keep and bear arms," said Snyder.



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

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CITIZENS MAY NEED GUNS FOR DEFENSE

Plunging government revenues may have the unintended consequence – so far as tax-and-spend (and some more) public officials are concerned – of reminding people that we are ultimately responsible for our own safety.

The pie plate is empty and inevitable cutbacks in important public services, including law enforcement, are on the horizon. It is already happening in Oakland, California where the police chief has announced that officers will no longer respond to a broad list of crimes, if department layoffs go as planned.

What's a citizen to do? Perhaps they will follow the advice of Ashtabula County, Ohio Judge Alfred Mackey and Hudspeth County, Texas Sheriff Arvin West. In the past few months, both have advised their neighbors to arm themselves.

Said the judge, according to a report on WKYC back in April, "Be very careful, be vigilant, get in touch with your neighbors, because we're going to have to look after each other."

Oakland Police Chief Anthony Batts is no less a victim of government spending out of control than, say, King County, Washington Sheriff Sue Rahr. She is appealing to voters to approve a small sales tax hike to pay for sheriff's department services, and maintain the county prosecutor's office. It will likely be rejected. Last year, Rahr advised county residents during a series of public meetings on public safety that, faced with the possibility of a burglary or home invasion, or some other crime and the nearest deputy sheriff being several minutes away, she would "have a

According to King County, Wash-

ington Sgt. John Urquhart, without additional funds, his agency will be forced to trim 48 sworn positions from its patrol staff for unincorporated areas of the county, Washington State's most populous. On top of that, 16 sworn positions for regional planning will be cut.

Public Safety

Government is supposed to provide certain services, chief among them being public safety. Over the years, budget priorities have become whatever self-serving politicians wanted them to be, however. Special programs for key special interest groups have taken priority over basic services, and have become "entitlement" projects. Some who have made a career of elective office rather than a temporary detour from private enterprise – as the Founding Fathers had originally envisioned public service - evidently never believed that the well would run dry. They were horribly wrong and the public is about to pay the price.

The Drudge Report posted this headline: "Criminals Delight: Oakland Cops Won't Respond to Minor Crimes." It is a sad, and sorry, signal to be sent by a law enforcement agency, but this situation must be kept in perspective. Perhaps many Americans will now re-discover what made this nation great in the first place: self-reliance.

This is not a call for anarchy but for a return to reality. Too many in public office have tried to create their Utopian dream on the backs of taxpayers, and at the expense of basic public needs. In the process, they have squandered fortunes on projects that were good for a headline, but didn't work and accomplished nothing.

When seconds count...

There is a saying in the firearms community: "When seconds count, police are minutes away." This is about to change, in Oakland and elsewhere that police agencies are financially strapped and facing reductions in staff and service. Rural agencies may be hit the hardest. When seconds count, police may be hours away, if they come at all. Faced with that potential, citizens have two choices: submit to victimization or fight back.

Nobody is advocating "vigilantism," which is what gun prohibitionists say when private citizens arm themselves for personal protection. Nobody is "taking the law into their own hands." Armed citizens who carry guns or keep them in their homes or businesses are acting within existing law, and thanks to the Supreme Court's recent McDonald ruling, they now have the full force of the Second Amendment behind them. communities may be in for a rough ride, and people who heretofore have been indifferent about their personal safety may find themselves grateful we have a right to keep and bear arms. Instead of anarchy, that right may insure order and civility.

This column by Alan M. Gottlieb, CCRKBA Chairman, and Dave Workman, CCRKBA Communications Director appeared in newspapers across the country. Their most recent books are America Fights Back and Assault on Weapons.

CCRKBA PRAISES SENATE FOR CLOTURE VOTE

"When the U.S. Senate in late July refused to invoke cloture on the proposed, so-called Disclose Act, it struck a blow for freedom, for the right to freedom of speech, and for the right to use that freedom to support and promote gun rights," John M. Snyder, CCRKBA Public Affairs Director, said last month in Washington, D.C.

A version of the Disclose Act passed the House of Representatives in June by a vote of 219 to 206.

"Although promoters of this legislation claim that it promotes freedom of speech, the opposite is the case," Snyder said. "The proposal is filled with provisions that actually would curtail such freedom and the right to use it in defense of the right to keep and bear arms. One, for instance, would require so much extraneous information to be included in certain political advertising that it would vitiate the real message of the advertising. The bill really is an attempt to put a big and corrupt government in charge of our politics, to take politics out of the hands of the people, and to place it in the big fist of government."

After the measure passed the House, it went to the Senate, where opponents mounted an effort to filibuster the bill in order to prevent its consideration. Supporters of the bill

then mounted an effort to invoke cloture. That means that if they received 60 votes, they could close off or prevent a filibuster. When they invoked cloture (or close-off), they were three votes short of the required 60.

Snyder said that, "Senate Minority Leader Mitch McConnell of Kentucky deserves special commendation for skillfully managing the coalition which enabled Senators to deny the majority leadership the super-majority of 60 votes it needed to prevent a filibuster. They got 57 votes.

"However, the struggle is not over. The Senate supporters of Disclose vow to attempt to invoke cloture sometime in the near future. Supporters of gun rights and freedom of speech would be well advised to let both of their U.S. Senators know they oppose cloture on Disclose."

"It is telling," Snyder added, "that outspoken supporters of Disclose also are on record as working to undermine the individual Second Amendment civil right to keep and bear arms. These include President Barack Obama, Sen. Chuck Schumer of New York and Rep. Chris Van Hollen of Maryland. These politicians are trying to upset the First and Second Amendments."

Attorney Cleta Mitchell, an NRA Director, wrote in mid-June in *The*

Washington Post that Disclose supporters would upend a Supreme Court freedom of speech decision by "requiring the names of multiple donors to be recited in ads (thus shrinking the time spent on actual speech), requiring the CEO of a corporate donor to personally appear in campaign-related ads, expanding the coverage period to virtually the entire election year, and including myriad other rules that the NRA described last month as 'byzantine' and an 'arbitrary patchwork of reporting and disclosure requirements.""

Mitchell castigated NRA officials for agreeing to accept an exemption from Disclose requirements which applied only to the NRA in return for not opposing the measure on Capitol Hill.

CCRKBA Chairman Alan M. Gottlieb said that the attempt "to essentially buy off the NRA with a tailor-made exemption should be proof enough that the entire measure is morally, if not legally, repugnant and should be rejected by Congress."

He said, "This proposed exemption is unconscionable, but it reveals the desperation of its sponsors to pass legislation that would silence organizations critical of how the Democrat leadership has mismanaged things on Capitol Hill."

When that leadership expanded the exemption clause in order to include a wider range of organizations, Gottlieb said they can "pound sand...Even though we may now be exempted, we still oppose the bill."

Contact your Senators – now!

KAGAN VOTE

The Senate confirmed President Barack Obama's appointment of Elena Kagan to the Supreme Court by a vote (63-37) led by Senate Majority Leader Harry Reid (NV).

Sen. John Thune (SD), the CCRKBA 2009 Legislator of the Year, said that, "The available evidence portrays her as a forceful advocate of restrictive gun laws and driven by political considerations rather than rule of law."

Sen. Jeff Sessions (AL) said "her record regarding the Second Amendment leaves little doubt that she will be hostile to the rights of law-abiding citizens to own and possess firearms."

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CCRKBA BLASTS MOVE AGAINST AMMUNITION

"The proposal to ban the use of traditional ammunition seems part of the on-going campaign by anti-gun extremists to do whatever they can to undermine the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms," said John M. Snyder, CCRKBA Public Affairs Director.

In August, the extremist Center for Biological Diversity (CBD) filed a petition with the Environmental Protection Agency to ban traditional ammunition containing lead-core components. The proposed ban would apply to all ammunition including ammunition used by target shooters.

Point Blank readers can actively oppose this petition by contacting two officials. One is Lisa P. Jackson, Administrator, U.S. Environmental Protection Agency. E-mail: jackson.lisa@epa.gov. The other is Steve Owens, Assistant Administrator, Prevention,

Pesticides & Toxic Substances, U.S. Environmental Protection Agency. E-mail: owens.steve@epa.gov.

The petition that was filed by CBD and other agenda-driven groups claims erroneously that the use of traditional ammunition poses a danger to wildlife, in particular raptors such as bald eagles, that may feed on unrecovered game left in the field, and that there is a human health risk from consuming game harvested using traditional ammunition.

The petition also alleges falsely that the use of traditional ammunition by hunters is inconsistent with the Toxic Substance Control Act of 1976. Congress, however, expressly exempted ammunition from being regulated as a "toxic substance."

According to an National Shooting Sports Foundation (NSSF) report, there is no scientific evidence that the use of traditional ammunition is having an adverse impact on wildlife populations that would require restricting or banning the use of traditional ammunition beyond current limitations, such as the restriction on waterfowl hunting.

A ban on traditional ammunition would have a serious negative impact on wildlife conservation. The federal excise tax that manufacturers pay on the sale of the ammunition (11 percent) is a primary source of wildlife conservation funding. The bald eagle's recovery, considered to be a great conservation success story, was made possible and funded by hunters using traditional ammunition, the very ammunition now attacked by CBD and other organizations.

A 2008 study by the U.S. Centers for Disease Control and Prevention on blood lead levels of North Dakota hunters confirmed that consuming game harvested with traditional ammunition does not pose a human health risk.

CITIZEN ACTION PROJECT

Facing Congress on its return to Capitol Hill in September are the 12 departmental appropriations acts that will fund the government for the next fiscal year. If the appropriations bills don't pass both the House and Senate and get signed by the president, a continuing resolution will have to be passed to temporarily fund government agencies.

Because they are frequently so large, and finalized so late in the process with little time for review, appropriation acts are sometimes used to sneak in legislation that would never survive a stand-alone vote. Keep in touch with your Senators and Representative during September, and let them know in clear but polite terms you're watching. And that if they try to hide some gun control measure in an appropriation bill, you'll remember in November. The most likely vehicle for a gun control law would be the Homeland Security Act (S. 3607) or the Commerce/Justice/Science Act (S. 3636). These are the bills that fund agencies tasked with administering or enforcing federal gun control laws.

Another period of potential danger to gun owners is in a post-election "lame duck" session. If the Democrats lose control of either chamber, they are likely to convene a post-election session to cram as much of their liberal agenda through as they can before the 112th Congress is seated in January.

With legislation as with many other functions of government, eternal vigilance is the price of liberty.

CAROLINA ACTIVIST NAMED CCRKBA GUN RIGHTS DEFENDER

CCRKBA named F. Paul Valone, President of GrassRoots North Carolina, as CCRKBA Gun Rights Defender of the Month for September.

In nominating Valone for the Award, John M. Snyder, CCRKBA Public Affairs Director, said that, "For years, Paul has been a determined, articulate and effective defender of the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms. He has spoken out, written in defense of and organized for the promotion of our traditional American liberties. He most certainly deserves the CCRKBA Gun Rights Defender of the Month Award for his dedication and accomplishment."

In a recent example of his dedicated pro-gun activity, Valone led GrassRoots North Carolina to join Michael Bateman, Virgil Green and Forrest Minges, Jr., all North Carolinians, and the Second Amendment Foundation in a lawsuit against North Carolina's state emergency powers gun ban.

Named in the suit are North Carolina Gov. Beverly Purdue; Reuben Young, Secretary of the state Department of Crime Control and Public Safety; Stokes County; North Carolina; and the City of King, North Carolina.

"Filed in U.S. District Court for the Eastern District of North Carolina," reported Valone, "the official title is *Bateman et al. v. Perdue et al, Case* No. 5:10-cv-265. It contends that state statutes forbidding the carrying of firearms and ammunition during declared states of emergency, as well as laws enabling government officials to prohibit purchase, sale and

possession of firearms and ammunition are unconstitutional because they forbid the exercise of Second Amendment rights as affirmed by the U.S. Supreme Court ruling in *McDonald v. Chicago.*"

Valone noted that one of the reasons for the suit is that, "North Carolina's legislature has chosen to infringe upon citizens' ability to protect themselves and their families in times of need. When King, North Carolina banned guns and ammunition in response to pending snowfall, it clearly highlighted the unconstitutional restrictions endured by lawful North Carolinians."

In the case, GrassRoots North Carolina and the other plaintiffs are represented by attorney Alan Gura, who won this year's *McDonald v. Chicago* Second Amendment case and the landmark *D.C. v. Heller* case in 2008. North Carolina counsel include Andrew Tripp and Kearns Davis of Brooks, Pierce, McLendon, Humphrey & Leonard, LLC.

"Building on the McDonald decision, under which 'incorporation' of the Second Amendment will result in additional scrutiny of state gun laws," explained Valone, "the latest suit centers on North Carolina's 'state of emergency' laws, under which local and state governments can curtail the right to bear arms by making it 'unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area: (1) In which a declared state of emergency exists; or (2) Within the immediate vicinity of which a riot is occurring.'

"On February 5, 2010, Stokes County and the City of King made national media by declaring a state of emergency in response to an impending snow storm and posting notices prohibiting not only carriage, but the sale of firearms and ammunition. The measure was widely denounced as an abridgement of citizens' right to keep and bear arms."

Valone wrote that the legal complaint notes the frequency of weather events such as hurricanes and lists 12 executive orders declaring states of emergency.

"Building upon the U.S. Supreme Court decision in D.C. v. Heller, in which the Court ruled the Second Amendment does, in fact, reinforce an individual right to arms," Valone reported, "the latest suit argues: 'North Carolina General Statutes, to the extent they enable government officials to prohibit the purchase, sale and possession of firearms and ammunition, are unconstitutional in that they forbid the exercise of Second Amendment rights, damaging plaintiffs in violation of 42 U.S.C. 1983. Plaintiffs are therefore entitled to permanent injunctive relief against their enforcement.""

Paul Valone wrote that Grass Roots North Carolina tried to rectify the situation via the legislative route but that anti-gun politicians stonewalled pro-gun bills, leaving him and the others little alternative but to seek legal rectification.

After earning a B.A. in Psychobiology from Hamilton College, Paul pursued a career in aviation and currently flies the Boeing 737 for US Airways. He's a firearms instructor who has been certified by the National Rifle Association and the North Carolina Criminal Justice Education and Training Standards Commission.

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In Washington, D.C., Congress passed and sent to the White House the Firearms Excise Tax Improvement Act of 2010. Supported by CCRKBA, the legislation corrects a longstanding inequity in the Internal Revenue Code by permitting firearm and ammunition manufacturers to pay the federal excise tax payment on a quarterly basis, like other industries that support conservation through a federal excise tax. Manufacturers now pay this tax on a bi-weekly schedule, forcing many manufacturers to borrow money to ensure on-time payment. Industry members spend thousands of manhours administering the necessary paperwork to successfully complete the bi-weekly tax payments - monies that are due to the federal government long before manufacturers are paid by their customers. This excise tax is the major revenue source of wildlife conservation in the United States. This legislation will not increase the federal deficit, nor reduce the excise tax rate, but simply change the payment schedule.



"Federal tax revenue on the sales of firearms and ammunition rose 45 percent in the last fiscal year," wrote Catherine Rampell in *The New York Times*. "This is the highest annual increase on record, according to a new report from the Treasury Department's Alcohol and Tobacco Tax and Trade Bureau. By comparison, the annual average increase for fiscal years 1993 to 2008 was six percent...Firearm and ammunition tax increases skyrocketed...because

people were simply buying more guns and ammunition, apparently because they feared Barack Obama would curb their access to deadly weapons upon taking office. 'Retail sales analysis indicates that gun sales strongly correlate to changes in the political landscape in the United States,' the report says. 'Specifically, gun sales rise when citizens perceive an oncoming challenge to their Second Amendment right to bear arms.'"



Rep. John Boccieri (OH) and a number of bi-partisan cosponsors introduced H.R. 5827, the proposed Protecting Gun Owners in Bankruptcy Act of 2010, to allow people undergoing bankruptcy proceedings to retain rifles, shotguns and pistols worth up to \$1,500 without having them seized by creditors. It was referred to the House Judiciary Committee. Its Senate companion, S. 3654, was introduced by Sen. Patrick Leahy (VT) and referred to the Senate Judiciary Committee, of which he is chairman.



In Polk County, Florida, a homeowner opened fire on home invaders, reported WFTV. He fought back against armed home invaders and may have killed one of them. Investigators said three men with bandanas over their faces kicked in the front door and tied up the four residents on a Sunday in late July. The homeowner freed himself, grabbed a gun and opened fire on the crooks. The suspects fled the scene, but 30 minutes later Osceola County deputies received a call about a body in front of a vacant home in Kissimmee. The body turned out to be Berthony Pascal. Investigators believe he was one of the men involved in the home invasion. Polk County Sheriff's Office Detectives arrested Steeve Vernet. He was charged with armed burglary of a dwelling, robbery with a firearm and second-degree murder. None of the residents were injured. The homeowner who opened fire likely will not face charges.



"Irish homeowners can now legally use guns to defend themselves if their homes are attacked under new legislation," reports IrishCentral. com. "The new home defense bill has moved the balance of rights back to the house owner if his home is broken into 'where it should always have been,' say top Irish police. The police association of superintendents and inspectors, stated that 'the current situation, which legally demands a house owner retreat from an intruder, was intolerable.' The new bill was published by Justice Minister Dermot Ahern. Under the bill homeowners will be allowed to use 'reasonable' force against intruders to defend themselves, others or their property. This includes lethal force, depending on the circumstances. Justice Minister Dermot Ahern stated house owners could use guns in selfdefense, especially if the intruders were armed but said it ultimately be a matter for the courts to resolve.



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2010 Gun Rights Policy Conference

Saving Freedom!

Sponsored by the Citizens Committee for the Right to Keep and Bear Arms and the Second Amendment Foundation

Come meet national gun rights leaders and your fellow grassroots activists at the 25th Annual Gun Rights Policy Conference (GRPC 2010) in San Francisco, California. This is your once-a-year chance to network and get an insider look and plan pro-gun rights strategies for the coming year.

Past GRPCs have outlined victory plans and made public the latest firearms trends. They allow you a first-hand chance to hear movement leaders--and make your voice heard.

This year we'll take a look at critical issues such as: city gun bans, youth violence, "smart" guns, concealed carry, federal legislation, legal actions, gun show regulation, state and local activity. We'll also preview the upcoming elections and analyze the U.S. Supreme Court McDonald decision.

The full roster of GRPC 2010 speakers has not yet been set. Past speakers have included: Alan M. Gottlieb, Joseph P. Tartaro, Wayne LaPierre, G. Gordon Liddy, Michael Reagan, Larry Elder, Ken Hamblin, John Lott, Sandy Froman, Massad Ayoob, Tom Gresham, Alan Gura, Reps. Bob Barr and Chris Cannon and many others. Check our web sites -- www.saf.org or www.ccrkba.org for updates.

CONFERENCE and HUNDREDS OF DOLLARS WORTH OF MATERIALS ARE FREE!

Books, monographs and other materials—enough to start a Second Amendment library are free, as are Saturday luncheon, Friday and Saturday evening receptions and morning and afternoon snack breaks. Other meals, travel and lodging are to be paid by attendee. After you register, you will be mailed information about hotel reservations, invited speakers and a tentative agenda.

2010 Gun Rights Policy Conference / FREE

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