



CHRONICLE

The Kentucky Coalition to Carry Concealed
Because your right to protect yourself shouldn't stop at your front door™

March 2004

President's Message

Another year has gone by and it's time to meet everyone again at the Annual Member's meeting. The date is May 15th at 11 A.M. in the Salato Center at the Kentucky Department of Fish and Wildlife Game Farm in Frankfort.

Many events have happened in the past year. Ohio finally got a CCDW law! Even though it is flawed, it is a start. A few other states also passed new Shall Issue CCDW laws. In Iraq, Saddam has been captured. The people of Iraq have moved a long way towards freedom. Hopefully we will not take our freedom for granted. May we give thanks for the soldiers who fought in many wars past to secure our freedom and independence.

A new effort to limit CCDW by business is starting to be seen around the state, partly in answer to Ohio's new CCDW law. New signs against weapons and/or concealed carry are being posted on the entry doors of various places. I suggest you go in and tell the manager you will respect his request and not enter his place of business. Of course, this means you will take your dollars to his competition across the street or even across town.



A few years ago one of our members was kind enough to give us a box full of cards explaining this in a very simple picture form (*shown at left*). Managers always act surprised when handed one of the cards.

Make plans to be in Frankfort for the Annual Members' meeting on May 15. I look forward to seeing you then. — Kraig Keller

The Need For Diligence

As regular readers of the Chronicle are surely aware, KC3 puts forth quite a bit of effort to have illegal firearms restrictions set aside. Many times we find local ordinances that are contrary to the Commonwealth's Constitution or are at odds with the Kentucky Revised Statutes. We also find signs within the jurisdiction of local governments that restrict or even prohibit the possession of firearms at certain locations, regardless that local governments have no authority to enact such restrictions. In Campbell County, Kentucky this past spring, we found both.

On their website, Campbell County government is kind enough to publish their Code of Ordinances. One in particular previously stated that "No person shall: Bring or allow any explosive material or any other dangerous substance, including firearms, into [Campbell County parks]. Firearms include pellet and BB guns." They used this ordinance to justify posting signs in Campbell parks that said "No firearms allowed in the park" Fortunately for us, the Kentucky Revised Statutes clearly prohibit them from obstructing our right to protect ourselves.

In May of 2003, KC3 sent a letter to Campbell County Judge/Executive Steve Pendery and, after providing the statutory and constitutional basis, demanded that these signs "should immediately be

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**THINK THAT YOUR .22 TARGET RIFLE
IS SAFE FROM CONFISCATION?**



**THINK
AGAIN**

**NO RIFLE IS MILD ENOUGH
FOR THE GUN CONTROL BIGOTS**

Visualization, or Mental Imagery

by Tom Givens

Visualization, or imagery, is one of the most effective tools available to you for mental conditioning. This is vital to success in a fight. Under stress, your subconscious mind will immediately take over and direct your body to do whatever the subconscious has been programmed to do. If you have been programmed through training to respond correctly, you will. Panic is simply the lack of a pre-programmed response. Since your subconscious doesn't know what to do, it does nothing. (When in danger, or in doubt, run in circles, scream and shout!) Obviously, your odds of surviving improve drastically if you have pre-programmed the correct tactical responses before a crisis.

How do we program these correct responses until they become automated? There are three ways. First, you could engage in about a dozen gunfights. You would then be adept at making rapid, sound tactical decisions, if you are still alive! We don't recommend this method because the test comes first, the lesson afterward. This is a painful and expensive way to learn.

Bismarck said, "A smart man learns from his own mistakes, a wise man learns from the mistakes of others." This is especially true in this business, where mistakes can be fatal. The easiest way to learn from the mistakes of others is to read a big city newspaper each day as you eat your breakfast. Look in the local news and select two instances reporting the criminal victimization of some unfortunate person. Take five or ten minutes to read these two accounts and actually analyze them. Ask yourself two questions, and make yourself come up with an answer.

The first question is, "What did the victim do to put himself in this situation?". Once you learn a bit about criminal behavior, you realize that above all, criminals are opportunists. They capitalize on circumstances created by inattentive, complacent, lazy, and unobservant victims. Very soon you will learn to recognize the behavior or activity on the part of the victim that facilitated or even precipitated the crime. This will hold true in probably 95% of the cases you study. Once you have identified the specific

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Louisville Metro Immune to KY Statutes?

By James R. Hall

2nd VP, KC3

There is a law in Kentucky that reads like this:

"No city, county or urban-county government may occupy any part of the field of regulation of the transfer, ownership, possession, carrying or transportation of firearms, ammunition, or components of firearms or combination thereof."

Louisville Metro, according to Christina Heavrin, Special Counsel to Metro Mayor Jerry Abramson, is not obliged to abide by that law with respect to Waterfront Park because it is managed in a "proprietary as opposed to a governmental capacity". She did not fully explain the logic of her contention but one would assume that she is referring to the "ownership" of the park by the Waterfront Development Corporation (WDC). If the WDC is truly "proprietary" and outside of government, why does the Metro Louisville Internet pages list it in the *Louisville Metro Government Department and Agency Listing*? Why does the *Louisville-Jefferson County Metro Government Code of Ordinances*, in several places, list it as an "agency", "department", "division" or "office" of the Metro Government or the former City of Louisville and Jefferson County governments? How many times can the Metro government lay claim to the corporation and still get away with declaring it as a non-government or "proprietary" agency?

Can a government truly avoid the prohibitions of Kentucky law and violate the protections afforded

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<http://www.kc3.com>

A real feminist doesn't depend on men for protection.



States that Recognize Kentucky CDWL's:

- Alabama**
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- Montana**
- New Hampshire**
- North Carolina**
- North Dakota**
- Oklahoma**
- Pennsylvania**
- South Dakota**
- Tennessee**
- Texas**
- Utah**
- West Virginia**
- Wyoming**

Please remember that when you carry a firearm in any other state that you must abide by their rules and not Kentucky's, so before you go to a state where you don't know the laws, look them up.

People who travel and take a gun along should have a copy of **The Traveler's Guide to the Firearms Laws of the 50 States** written by Scott Kappas available from Scott's web site at <http://www.gunlawguide.com>. Additional info can be obtained by checking out the excellent resource page on the web at <http://www.packing.org>.

The Need for Dilligence

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removed and the ordinance that allows for such a prohibition should be amended or repealed." Judge Pendery's reply offered that we would "be happy to know that that ordinance has since been modified to comply with state law..." It turns out his choice of wording was somewhat misguiding, the ordinance was actually amended back in September 2001. Judge Pendery had marked the occasion by proclaiming "...it's a state law, and we're required to follow it, so we will." (The Kentucky Post, 9/06/01) It's interesting that nearly two years later the ordinance was still posted on their website and the signs prohibiting firearms still graced the entrances to their parks.

Further inquiries by KC3 under the Open Records Act seem to have prompted an update of the website with the current codification of the ordinance, but only after involving the Kentucky Attorney General in the affair were the offending signs removed. Unfortunately for them, before all was said and done, the Attorney General found that Campbell County officials had failed to completely fulfill our request under the open records act. The county subsequently appealed the decision to the courts naming a KC3 officer as a defendant. It was really no big deal as they were not seeking any damages, they just wanted to clear the stain of the Attorney General's rebuke. With our goal of removing the weapons restrictions having been attained, we simply asked that the appeal be dismissed and advised the court that we had no desire to further participate in the proceedings. In the end, the court, in a very curious manner, decided in favor of the county thus re-establishing their good name and the case was closed, we hope.

Why do we need to go to such lengths to simply enjoy the protections afforded by our laws and constitution? Why did Judge Pendery say he would abide by the law and then leave the ordinance posted and the illegal signs in place for nearly two years until someone complained? It's really unfortunate that such a situation would come to pass here in the Commonwealth, our government is supposed to be the servant of the people and we should not be required to fight them tooth and nail to retain our inherent and inalienable liberties. When a higher authority does tell a local government that they are wrong, as the Attorney General did in this case, why can't they just accept it and go on? The last chapter of this saga found KC3 unwilling to waste any further effort after we had achieved our goals while Campbell County officials had no problem wasting the taxpayer's resources with nothing of any substance to fight for. Is this the end of the Campbell County story? We hope so, for the third time, but we'll be watching to be sure!



Sponsorship Program

KC3 is now offering a Sponsors Program for businesses wanting to advertise to our members and allies and show their support for our efforts. Sponsors receive a quarter-page ad in the newsletter four times a year with a graphic ad on our web site as well as a link to their website. Sponsorships are pro-rated for anyone coming in later than January.

This is a great chance for your business to reach thousands of people in and around Kentucky who are looking for merchants that will welcome, rather than rebuff, those of us who choose to be armed. Our website at <http://www.kc3.com> is one of the best on the net, and our newsletter goes out to folks all over Kentucky, Ohio and Indiana.

Cost of a sponsorship is \$100 per year, or \$25 per quarter. We also put an electronic ad and link to your business on our web page. Sponsors are encouraged to provide us with clip art for the graphics in their ad.

A KC3 sponsorship is a great way to reach thousands of gun owners and sportsmen in the State of Kentucky and beyond. Our web site received thousands of visits per day and your visibility will be greatly enhanced by participating in this program.

For an application and more information, contact us by email, fax at (502) 451-4439, or by mail to: KC3, P.O. box 1269, Frankfort, Ky. 40602-1269. No telephone applications, please, although we'll be glad to talk to you about it if you want to call us at (502) 451-4439 and ask for Syd Weedon.

Something on your mind?

We'd like to hear it.

If you have thoughts, rants, words of encouragement, reviews, legal or reflection pieces, please send them along and we'll publish them here.

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Syd Weedon
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Louisville, KY 40205

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Traveler's Guide to the Firearm Laws of the Fifty States



researched and written by J. Scott Kappas, Esq.
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Attorney J. Scott Kappas uses case law and statutory authority to render plain English advice as to how a traveler should carry firearms while visiting states other than the traveler's own.

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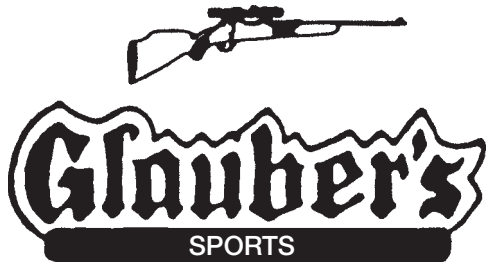
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KC3 WAS HERE

Renew Your Membership - Keep Us On the Job

KC3 Seeks To Restore NICS Exception For KY CCDW Licensees

Attorney General Asked For Opinion

By James R. Hall

2nd VP, KC3

According to the United States Code, the necessity to contact The National Instant Check System (NICS, part of *The Brady Law*) “shall not apply to a firearm transfer between a licensee and another person if - such other person has presented to the licensee a permit that - allows such other person to possess or acquire a firearm; and was issued not more than 5 years earlier by the State in which the transfer is to take place; and the law of the State provides that such a permit is to be issued only after an authorized government official has verified that the information available to such official does not indicate that possession of a firearm by such other person would be in violation of law...”

Kentucky concealed carry deadly weapon (CCDW) licensees were once granted this exception to the NICS requirements on a firearms purchase. The 1998 Regular Session of the General Assembly amended the Kentucky Revised Statutes (KRS) to provide for conducting a record check on license applicants in the manner necessary to exercise the exception to the NICS. House Bill 318 was signed into law in April, 1998 and took effect in July of the same year.

According to the amended KRS, before a concealed carry license is issued “The Department of State Police or the Administrative Office of the Courts shall conduct a record check, covering all offenses and conditions which are required under 18 U.S.C. sec. 922 and this section, in the manner provided by 18 U.S.C. sec. 922.” The only passage found there that provides for conducting a record check is subparagraph (2): “A chief law enforcement officer ... shall make a reasonable effort to ascertain whether receipt or possession would be in violation of the law, including research in whatever State and local recordkeeping systems are available and in a national system designated by the Attorney General.”

In order to comprehend the situation, one must first understand the Brady Law. Certain provisions could not be implemented immediately because a central database of criminal history was not available. In order to implement the Brady law as soon as possible, some provisions were temporary and the 1993 law provided a time frame of 5 years for the permanent system to be built and installed. The permanent NICS system went into effect on November 30, 1998.

The Kentucky State Police (KSP) used the “information available” to determine the legal fitness of CCDW license applicants and those issued after July 15, 1998 qualified for the exception. Because the permanent

NICS system went into effect in November, the Bureau of Alcohol, Tobacco and Firearms (BATF) implemented new regulations to unify the system. According to a letter from Kent M. Cousins, Chief, Firearms Programs Division, BATF “The regulations provide that as of November 30, 1998, the “information available” to a government official issuing permits includes NICS... Thus; in order for a permit issued on or after November 30, 1998 to qualify for the permit exception, a NICS check must have been done before the permit was issued.”

Simply put, the window opened July 15, 1998 and was then closed November 30, 1998. But the law did NOT change. Kentucky statutes provide that the check *shall* be done in the *manner required* to claim the exemption. Putting it all together, authorities “shall conduct a record check” including research in a national system designated by the Attorney General.

The “national system” indicated would seem to be the NICS. Correspondence received from The Office of the Attorney General of The United States (US AG), dated February 4, 2004, stated that “the ‘national system designated by the Attorney General’ is specifically the NICS” and that “any reference to a ‘check’ in the Gun Control Act does refer to the NICS.”

The logical conclusion, therefore, is that applicants for a Kentucky license permitting the concealed carry of deadly weapons shall have a NICS check performed prior to issuance of the license. However, according to the letter from Mr. Cousins, “Kentucky does not conduct NICS checks before issuing concealed carry licenses.” This was subsequently confirmed by Captain Alecia Webb-Edgington, Commander, KSP Criminal Identification and Records Branch:

“The Kentucky State Police

conduct a more thorough criminal record check than that provided by NICS... The Kentucky State Police has designated [their current] process as a more comprehensive approach as compared to the utilization of NICS."

That's fine but the law demands that they *shall* do "research in whatever State and local recordkeeping systems are available *and* in a national system designated by the Attorney General"

KC3 sent a request to the Kentucky Attorney General that he weigh in on this issue. We asked of him the following three questions, though much more detailed, each one qualified by the one before it:

1. Does the law of this Commonwealth in fact require that a NICS check be conducted upon applicants for a Kentucky license to carry concealed deadly weapons?
2. If so, then: Regardless that the Kentucky State Police provides a "more comprehensive approach as compared to the utilization of NICS", does this satisfy the specific requirement of the KRS to perform a NICS check?
3. If so, then: Is the Kentucky State Police required to perform a NICS check upon each concealed carry license application submitted since the November 30, 1998 implementation of the new interpretation?

Now we wait for an answer, if he will give us one. The KRS provides that, if, in his discretion, a "question presented is of such public interest that an Attorney General's opinion on the subject is deemed desirable", he shall provide

one. If he won't, we will simply find a legislator that will ask him. Then he will surely grant us an answer. If he agrees that a NICS must be done on all applicants, then we can go back to the BATF and ask if the exception will then be granted. There is no indication in prior correspondence that there are any other reasons for the denial. But, if so, we'll cross that bridge when we come to it. Of course, if he doesn't see things the same way we do, we will go to the legislature next year and attempt to clarify the language of the law in order to qualify Kentucky CCDW licensees for the exception. We'll keep you posted!



Metro Louisville Immune?

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its citizens by the Commonwealth's Constitution simply by forming a corporation, giving it taxpayer property and declaring it "proprietary"? KC3 believes that Louisville Metro simply does NOT have the authority under the statutes to regulate firearms outright through any means whatsoever, REGARDLESS of the legal chicanery they are attempting to use to flimflam the people of KY. They have only limited authority under a separate state statute to regulate the concealed carry of deadly weapons within certain specific buildings owned or controlled by Metro government.

Ms. Heavrin maybe doesn't truly believe her claim either, that's why she put forth another explana-

tion of how the city could prohibit firearms in Waterfront Park: "In leasing the Park's various venues for special events, including areas cordoned off during Thunder Over Louisville, Waterfront allows users to serve alcoholic beverages under temporary liquor licenses. KRS 237.110 specifically bars any person from carrying a concealed deadly weapon into any establishment licensed to dispense beer or alcoholic beverages for consumption on the premises." We assume she refers to sub-section (13)(e) of the cited KRS which, not surprisingly, is misstated by Ms. Heavrin. The statute actually provides that "No license issued... shall authorize any person to carry a concealed firearm into: Any portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose" Most importantly, the WDC requires promoters to post signs "to indicate that weapons are not allowed". The requirement says NOTHING whatsoever about *concealed weapons* as the statute she cites specifically regulates. Furthermore, "the areas cordoned off" are not done so primarily for the purpose of dispensing alcohol, at least one would like to think so since so many children frequent the events she described.

Unfortunately, when the time comes for the individual, unlucky enough to be prosecuted for ignoring the restriction, to challenge the trespass upon his civil rights, the taxpayer will likely be the big loser. Unless, of course, the big loser turns out to be the very unlucky person that finds he needs the defensive firearm he left behind because he believed the posted restrictions to be valid. We hope to correct the situation before either scenario comes to pass.



<p>Special thanks to Oleg Volk for the use of his images. Visit Oleg's web site at http://www.a-human-right.com</p>

victim behavior that caused the attack, you are reinforcing in your subconscious that this is negative, or harmful behavior. Day after day, by doing this, you are programming your subconscious to avoid that type of behavior. If you don't present the opportunity, the criminal cannot take advantage of it.

The next question is, "Alright, I was stupid and got into this mess, how do I get myself out of it?" Make yourself think up a solution to the tactical situation. In this manner, you are getting practice every single day in making tactical decisions. If you make tactical decisions every day of your life, they will come easily to you if you find yourself in dangerous circumstances. If you have never practiced this decision making process, how do you expect to do it well under extreme stress?

The last technique in imagery we will discuss has to do with mentally rehearsing confrontations, to prepare beforehand for a confrontation. In your mind, as a normal, healthy person, there is a very fine line between reality and fantasy. A psychopath no longer has this distinction in his mind, and his fantasies become his reality. A normal mind blurs this distinction under several circumstances. If you are an avid reader, for instance, you "see" the action of a good novel or historical account unfolding in your mind as you read. You form mental images of the characters and events, as if you had seen them yourself. How many times have you wakened from a vivid dream and took a few seconds to orient yourself? These are examples of that blurred distinction between reality and fantasy.

Airline pilots periodically receive training in a flight simula-

tor, which is an enclosed box mounted on hydraulic jacks. Upon entering the simulator, the pilot is seated in a cockpit seat, a control panel is arrayed before him, and the "windshield" has a back projected image on it, just like the view from a plane. As the pilot applies control movements to the stick and so forth, the "plane" responds with motion. Within a few moments, the pilot's brain is fully convinced that he is flying a plane, although intellectually he knows he is bolted to the floor of the training building. At some point, the control panel will advise him of an emergency, and the "plane" will simulate the movement involved, as in a sudden dive. The pilot must immediately take corrective action to keep from "crashing". Although they are in no real danger, these guys come out of the simulator white knuckled and sweating, because the mind blurred the distinction between reality and fantasy. If, at some future date, the pilot is confronted with that actual emergency in a real aircraft, he will automatically respond, quickly and correctly, because his brain has learned that the correct action will save its life.

You can do the same thing with your mind in a self defense context by using visualization exercises. Go to a quiet room and sit in an easy chair. Relax, and clear your mind of all thought (easy for some of us!). Now, in your mind vividly imagine a tactical scenario. Think of it as a daydream, if you like, but get into it and project yourself into the action. For every imagined action by the bad guy, direct yourself through a proper reaction. "If he does this, I'll do that." Always direct the action to a successful outcome.

Let me give you a couple of examples. If you work in a retail environment, ask yourself, "What am I going to do when they stick

this place up?" Visualize your work station, and the surroundings. Where is cover? What direction could you fire in without endangering coworkers? Is there an escape route available? Don't wait until a hold-up man is standing across the counter from you to think about this. If you are a boss, ask yourself, "What am I going to do if a disgruntled employee comes plodding down the hall with a shotgun?" Is there any other way out of your office? Is there any real cover available? Where is the secretary? You might find you want to rearrange your office. Find out now, not while under fire!

There are really only a dozen or so ways for a thug to criminally victimize you. White collar crime has endless opportunities for innovation, but street crime is pretty straightforward. Over a period of time, you can visualize your way through just about all of the likely forms of street crime, and have pre-programmed responses filed away in the back of your mind (the subconscious) ready for deployment if faced with a similar circumstance.

If you are faced with a life threatening crisis in a form you have never seriously considered or given any thought to, you will likely hesitate just long enough to lose. If, on the other hand, you take a little time to practice these "simulations", you can program ready responses and be able to retain control of yourself and your actions. Your mind needs to know that there is a way out, and that you know what it is. This avoids panic, and allows you to act decisively, which is your salvation.



Kentucky Coalition to Carry Concealed (KC3) Membership Application
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Do you have a current CCDW License from another state? Y/N _____ If so, which state(s) _____

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***Annual Membership Meeting — May 15th at 11 A.M. in the Salato Center at the Kentucky
Department of Fish and Wildlife Game Farm in Frankfort.***