



CHRONICLE

The Kentucky Coalition to Carry Concealed
September 2002 Volume 9, Issue 2

Officer Elections, KC3 Board of Directors Changes

At our June 8th Annual Membership meeting, the Kentucky Coalition to Carry Concealed elected directors. Currently serving directors John Hesse, Jim Dixon, Stuart Clark and Syd Weedon were re-elected to new terms. Past president, Kraig Keller was elected to a new term on the board and a new director, Brenn Combs was elected for his first term.

Following the meeting of the membership, the Board of Directors convened and elected Shelby Riggs president, Randy Hall 1st Vice President, and Jim Dixon 2nd Vice President. At the July meeting of the Board of Directors, Jim Dixon was elected 1st Vice President.

Results of the A/D at Tinseltown

A lot of folks will argue that there is no such thing as an "A/D" or "accidental discharge." There is only an "N/D" or "negligent discharge." Accident or negligence, a mishap at the Tinseltown theater complex in Louisville resulted in an injury to a woman at the theater and

a wanton endangerment conviction for the man whose pocket pistol went off.

William Newland was waiting in a line at the Tinseltown USA movie theater June 30, 2000, when a handgun in his pocket went off. The bullet ricocheted off the floor and hit a woman in her upper thigh, where it remains lodged to this day. Newland was originally charged with a second-degree felony assault, but the charge was reduced to a misdemeanor count of endangerment.

Newland pleaded guilty to the charges and agreed to a six-month conditional discharge and revocation of his weapon permit for three years.

Pocket guns have become extremely popular for concealed carry due to their size, weight, and convenience, but they bring their own set of problems. Last year, a Tennessee sheriff suffered a painful self-inflicted wound to the leg when his baby Glock became entangled with his car keys in his pocket.

There are some important lessons here about pocket pistols and their carry.

(continued on page 6)

Then *What* Are You?

Grassroots RKBA Activism at Richmond, VA City Hall By Dennis J. O'Connor

On May 28th, seven VCDL members converged on Richmond City Hall to apprise the city council that the gun ban signs in city parks were illegal and had to come down. Those of us who were armed showed our permits to the deputies manning metal detectors at either door and were waved through without incident. However, ten minutes later I alone was inexplicably called out by a deputy and informed that no firearms were permitted at the council meeting. After unsuccessfully challenging the deputy, I left the building.

VCDL President Philip Van Cleave, who was already scheduled to speak at that meeting, took the opportunity to lambaste the council for their violation of my civil rights, and over the next several weeks spoke with the Richmond Sheriff's office on behalf of VCDL to demand satisfaction.. An internal affairs inquiry ensued, and we were led to believe that Richmond's Deputy Sheriffs were apprised of citizens' rights to bear arms, and the situation had been resolved.

On Monday, July 22, I drove up to Richmond to attend the City Council Meeting for the purpose of testing Richmond's compliance with state law regarding the rights of gun owners. *(continued on page 2)*



(Activism, continued from page 1)

As I pulled into the parking lot opposite City Hall, the thought occurred to me that since I had driven all this way to put them to the test, I might as well “push the envelope” and carry open. So I walked into the lobby with a .45 semi-auto in my Fobus holster in plain view on my right hip. As I signed in at the desk, Deputy Sheriff M stood up and asked “What’s that?” while pointing to my hip.

“My firearm,” I replied.

“What are you doing with it here?”

“I always carry it.”

“Are you RPD (Richmond Police)?”

“No.”

“You can’t go into the council meeting with that!”

“Oh, really? Is there an ordinance against it?”

“Yes.”

“I’d like to see it.”

“I don’t have it here. They probably have one upstairs.”

“I would be interested in getting a copy of it, since, if one exists, it is clearly in violation of state law, especially in light of the preemption bill signed by the Governor that was implemented July 1st.”

He stared at me a moment, taking it all in.

“Have you been to council meetings before?” he asked.

“Yes.”

“With that?” (pointing to my gun)

“The last time I was here I carried concealed,” (neglecting to tell him I was evicted for it).

At this, he ignored me for a couple minutes, overseeing others

signing in, glancing back at me occasionally and probably hoping I would go away. He seemed confused as to what to do.

“I’d like to see the ordinance,” I reminded him.

“You’re a detective!” he announced hopefully, looking for an easy out.

“No,” I said.

Exasperated now, and with raised voice he asked “Then what are you?” Smiling, I answered, “a citizen.”

After a pause to mull this over,

Deputy M said “Show me your handgun permit.”

“You mean in case I ever decide to conceal it? As you can see, this is not concealed. I’m carrying open. No permit is required.” (I had a concealed carry permit in my

wallet, but I refused to let that be my ticket in, as it would set a bad precedent for citizens without permits who legally carry open).

He stood there looking at me, and after another pause, demanded, “show me some ID.”

When I complied, he compared my ID to my signature where I had signed in, as if I would have signed in under an alias. Maybe he just needed to feel as though he was in better control of the situation than he really was.

“OK, come with me,” he said with resignation. We took the elevator to the 2nd floor, and rounded the corner to where Deputy D was manning the metal detector outside the council chambers. Deputy D was the one who had evicted me for concealed carry two months before, and we immediately recognized each other.

“Ohhh, I know him,” sighed Deputy D with a roll of his eyes when he saw me coming. I gave him

a cheerful hello, which he didn’t return. “I know him,” he said again to Deputy M.

It was clear that Deputy D had been counseled concerning the right of citizens to bear arms since our last interaction, but apparently he was only advised to ask for a concealed carry permit to allow access, which he now did.

At this, Deputy M and I now both chimed in together, “But it’s not concealed!”

“I don’t need a permit for open carry,” I added.

There was a look of total confusion and consternation on Deputy D’s face. He and Deputy M looked back and forth at each other, at me, at my gun, and then looked at each other again, seemingly at a loss about how to handle open carry.

“He showed me an ID,” offered Deputy M suggestively.

“OK, show me your ID,” demanded Deputy D.

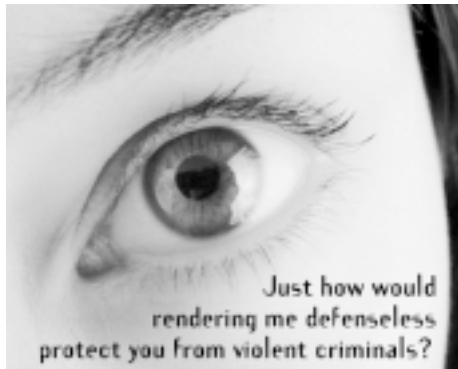
I handed it to him, and he barely glanced at it before handing it back, turning away from me and saying, “just go in.”

“Who, me?” I asked, wanting to be sure.

“Yea, just go in,” he said again with finality, glad to be done with me, and surely not wanting to have to deal with his supervisors again on the issue of legally armed citizens.

Although there was little on the agenda to interest me (I’m not even a Richmond resident), I stayed for two hours just to make sure the deputies didn’t have a change of heart or mind. But they wisely left well enough alone.

VCDL has blazed yet another trail for the freedom of Virginia’s gun owners. So feel free to carry your firearm to the Richmond City Council Meeting, either open or concealed as you prefer. It is your right.



States that Recognize Kentucky CDWL's:

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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>.

Please check your membership expiration date on the mailing label of this newsletter. If your membership is expiring, please use the membership form on Page 9 to renew.

Walther P99: The Glock Alternative

By Stuart Clark, Director KC3

There is no denying that Glock pistols dominate the polymer pistol market in the U.S.

The company offers its legions of loyal customers a variety of reliable compact and service size handguns in popular calibers such as the 9mm Parabellum, 40 S&W, and 45ACP. However, I am one of those few people who don't like Glocks for one simple reason: they do not fit my hand well. They ride too low in the hand, and the back straps contact the palm of my hand in such a way that it does not make for a comfortable grip, and the muzzle tends to point skyward when bringing the gun on target. This requires me to slightly drop my wrist to align the sights. From what I have read and heard, this is not an uncommon problem for people like me who are accustomed to the grip angle of the Model 1911 series of pistols.

However, I found a high quality German-made alternative to the Glock that is every bit as well made and reliable, plus incorporates a number of features not found on the Austrian handguns. The Walther P99 is a striker-fired pistol with a Tennifer finish and comes with three interchangeable back straps that allow the shooter to custom fit the weapon to his or her hand for maximum comfort. The first time I held the P99, I immediately was impressed with its comfortable grip and balance. It felt natural in my hand and it pointed well. It has safety features such as a loaded chamber and cocking indicator and a flush mounted decocker button in the top of the slide (of course the most important safety feature rests between one's ears), ambidextrous magazine release, light rail, four interchangeable front sights, 2-10

(Walther continued on page 6)



MAKING YOUR VOICE HEARD

Veteran political consultant and head of Republicans for Choice, Ann Stone, recently offered the following advice to the American Association of Small Property Owners on how to best lobby your congress-critters: "The best tool for influencing Congress is the telephone, because each congressman and senator logs all calls for and against each issue. If you can generate enough calls to jam the switchboard, you can make an impression."

Contact Congress toll-free at (877) 762-8762 and ask for the appropriate office. Stone said the second most-effective method for contact is a post-card campaign, and then faxes. The least effective method, she says, is email since congressional offices have found them easy to ignore.



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.



THE SIGHT



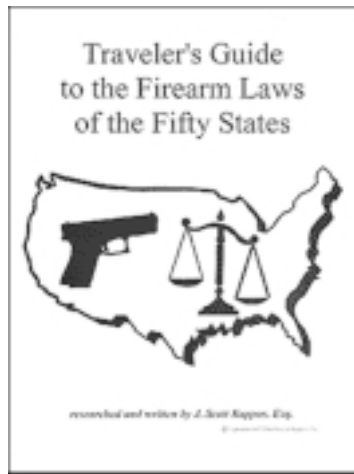
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Attorney J. Scott Kappas uses case law and statutory authority to render plain English advice as to how a traveler should carry firearms while visiting states other than the traveler's own.

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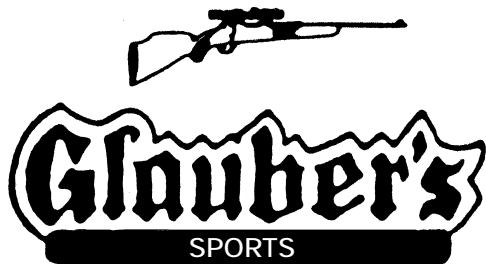
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Membership Drive

KC3 would like to build up our membership in order to make ours a more forceful voice in Kentucky's political arena, and toward this end we're announcing a new Membership Drive and Initiative for our members, and for the CCDW instructors in the Commonwealth. Now, each time that five (5) people join KC3 for the first time and list YOU as the person who recruited them, YOU get another full year added to your membership! Thus, if you're a CCDW instructor and conducting classes, all you have to do is hand out our applications and make sure the student lists you as the point of contact when he sends it in, and you can add to the term of your membership with each class. Note that this doesn't apply to renewals, only to new memberships, and we're NOT asking that anyone send in the apps themselves or take any money from the new member, only that they make sure that we know who encouraged that person to join up.

So start NOW to get your friends, family and associates signed up with KC3 (see our sponsorship program info in this issue for businesses which want to support and advertise with KC3), and see if you'll be the one we honor at next year's Annual Meeting as the "Membership Drive Member of the Year"!

Help Us Spread This Around

If you'd like to place copies of the KC3 newsletter in your local doctor's offices, barber shops and beauty shops, restaurants, gun stores, sportsman's clubs or other places where the public can find and read them, please contact us for additional copies or make as many copies as you'd like to pass along to others who might enjoy reading them.

Kentucky Coalition to
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(Walther continued from page 3)

round magazines and a unique double/single action trigger capability. The DA mode is a little long and creeping but not displeasing to me. A feature I like is the ability to change from the DA trigger mode to SA by simply pulling the slide rearward about 3/8 of an inch and it sets the trigger for a light SA trigger pull. The weapon can be safely carried in this single action mode as well.

I have found my particular pistol, which is chambered for 9mm, to be very reliable and accurate. I have fired over 500 rounds consisting of 125 gr lead RN reloads, 115gr and 124gr FMJ, and a variety of standard pressure hollow-point ammo in 115, 124, and 135 weights without a single stoppage. I have yet to try any of the +P loads but have no doubt the P99 would handle them without difficulty. Though I have never been a great fan of the 9mm, it is easy to shoot and ammunition is inexpensive and plentiful. This permits more practice, which translates into increased proficiency. Should Walther ever decide to produce the P99 in 45ACP, I would definitely procure one. For a weapon that is classified as service size, it is relatively compact and conceals quite easily.

So if Glock pistols don't appeal to you, seriously consider the P99. If you want more power than the 9mm, the P99 is also chambered for 40 S&W. It is an excellent handgun that has not been aggressively marketed in this country. However Smith & Wesson and Walther are jointly manufacturing the SW99 that has all the same features as the P99 but with some minor cosmetic changes. I presume this version will be marketed by S&W with more zeal than Walther has done with the P99. If you wish to check out the P99, visit the

Walther website at www.waltheramerica.com. It is a fine handgun worthy of the attention of those seeking a top notch defensive weapon.



While Under Oath...

James R. Hall
Director, KC3

Regardless of how you feel about the license requirement, the Constitution of the Commonwealth of Kentucky provides that the General Assembly may regulate the concealed carry of defensive arms. In 1996, they did just that with House Bill 40, the concealed carry bill. This legislation was applied to the Kentucky Revised Statutes in chapter 237 and here you will find all of the licensing requirements and restrictions for concealed carry in the Commonwealth. Among other things, paragraph two spells out the training required of all applicants.

The statute clearly specifies that training classes shall include "information on laws relating to firearms" and "the law of the use of force" as well as "instruction on handguns, the safe use of handguns, the care and cleaning of handguns, handgun marksmanship principles, and actual range firing of a handgun in a safe manner." When this class has been satisfactorily completed, the Kentucky Department of Criminal Justice Training (DOCJT), will send a nice certificate of completion to the graduate. This having been received, the

(A/D at Tinseltown, from page 1)

Lessons Learned

- If someone is hurt accidentally with your gun, the law will hold you criminally responsible.
- Be sure that the gun you carry is safe for the mode of carry you chose.
- If you carry a pocket gun, give serious consideration to a quality pocket holster which is fitted for your gun.
- Don't carry other items like car keys and lighters in the same pocket in which you carry your pistol.

While Under Oath...

applicant will take it to the sheriff of the county in which he resides along with sixty dollars, a photograph as prescribed, and most importantly, an application completed under oath. This application includes The name, address, place and date of birth, gender, and Social Security number of the applicant; a statement that, to the best of his knowledge, the applicant is in compliance with criteria contained within KRS Chapter 237; a statement that the applicant has been furnished a copy of KRS Chapter 237 and is knowledgeable about its provisions; a statement that the applicant has been furnished a copy

of, has read, and understands KRS Chapter 503 as it pertains to the use of deadly force for self defense in Kentucky; and a conspicuous warning that the application is executed under

oath and that a materially false answer to any question, or the submission of any materially false document by the applicant, subjects the applicant to criminal prosecution.

There have been recent revelations ("While Under Oath" continued on page 8)



HB97 and the Instructor Scandal

In March of 2002, 6 people were indicted for fraudulently certifying concealed carry applicants without providing the required training for these applicants. In return for a fee of up to \$75, the instructors certified that people had completed training when they hadn't. As a result of this fraud, it is estimated that as many as 7,000 persons received concealed carry licenses without going through the required training and shooting qualification test. Three of those indicted were instructors. The three others solicited business for the fraudulent instructors.

Federal postal inspectors were brought in on the case because the existing Kentucky concealed carry law at that time did not provide for any penalty for instructors that falsely certified applicants. For this reason, the indicted persons were charged with mail fraud.

In response to the revelation of corruption, the Department of Criminal Justice Training (DOCJT) issued a set of emergency administrative regulations to CCW instructors. They included:

1. All instructors must notify DOCJT, in writing, 30 days before each CCDW class they teach. Notification must include time, date and place of the class along with a class roster.
2. All Justice Cabinet instructor training shall now be provided directly by DOCJT, including recertification training.
3. Instructors who have not taught a class in the three years they are certified will not be eligible for recertification. They may

choose to repeat the entire instructor course again through DOCJT.

4. If an individual has violated instructor requirements OR becomes ineligible to hold a CCDW license, then the instructor certificate will be revoked.



The first two of these emergency regulations were extremely objectionable to both the instructors and the instructor trainers. Instructors complained that there was no practical way to have a complete class roster 30 days prior to a class. Instructor trainers felt they were being penalized by the de facto cancellation of their trainer certification. The "emergency regulations" seemed reactionary and punitive and did nothing to prevent this sort of abuse of the CCW certification process from happening again.

The "emergency regulations" amounted to an administrative rewrite of the concealed carry law and was poorly received in the statehouse. The legislature responded with HB97 which, among other things, provides penalties for

fraudulent certification of applicants for CCW permits. Reading the language of HB97, it becomes clear that another thrust of the law is to send a message to DOCJT that it is the legislature's prerogative to make the laws, not administrative agencies.

HB97 is a significant piece of legislation for just about everyone involved with CCW in Kentucky. The whole text of the law can be downloaded on the web at <http://www.lrc.state.ky.us/record/02rs/HB97/bill.doc>. I would suggest that you read the entire law, but here are some of the more significant changes to CCW rules provided by HB97:

1. No person or organization, public or private shall prohibit a person licensed to carry a concealed deadly weapon from possessing a firearm, ammunition, or both, or other deadly weapon in his or her vehicle in compliance with the provisions of KRS 237.110 and 237.115.
2. A Commonwealth's attorney, assistant Commonwealth's attorney, county attorney or assistant county attorney, a justice or judge of the Court of Justice, and a retired or senior status justice or judge of the Court of Justice may carry a firearm or other concealed deadly weapon on or about their persons at all times and at all locations within the Commonwealth of Kentucky, without limitation. Also, elected sheriffs and deputies may also carry concealed without limitation when authorized to do so by their employing unit of govern-

(HB97 continued on page 8)

(HB97 continued from page 7)

ment. Jailers and Department of Corrections employees may carry without restriction when authorized by their employing unit of government but must complete the DOCJT concealed carry training.

3. HB97 strikes the language which allowed for other types of firearms training courses to count for certification for the CCW permit. However, certified peace officers, both active and retired, shall be considered as having completed the training.
4. Emergency regulation 1 which required 30-day notice and a class roster was amended to 14 days notice to DOCJT and no class roster is required prior to the class. Following the class, the instructor must supply a complete roster of everyone taking the course regardless of whether they passed or failed.
5. Emergency regulation 2 which essentially de-certified instructor trainers was nullified.
6. Fraudulent certification of applicants without providing the actual training or providing incomplete training is now a Class D Felony.
7. Failure to report non-receipt of training by an applicant is now a Class A Misdemeanor.

HB97 is a mixed bag of rules that seeks to address a wide range of disparate concerns and it contains both successes and failures. While we applaud the law's authorization of unlimited concealed carry for judges, prosecutors, jailers and sheriffs, we adamantly object to the

implicit elitism which holds that some classes of people are entitled by their jobs to greater exercise of armed self defense than others.

We welcome the legislature's halt to the DOCJT's unconstitutional power grab on the instructor trainer issue. Also, we support the elimination of the language which allowed other forms of firearms training to count for certification for the CCW permit since many of those courses previously allowed did not in any way address the legal issues of concealed carry in the State of Kentucky.



While Under Oath...

continued from page 6

tions that a handful of instructors certified by the DOCJT have been filing fictitious accounts regarding the training of concealed carry applicants. An estimated 7000 concealed carry license holders are believed to have received the certificate of training and submitted it to the sheriff along with their application - without ever taking a class as prescribed by the law. Many of these people have been identified and the instructors who have been alleged to have facilitated this little shortcut have been indicted for mail fraud. Why mail fraud? It seems it was not specifically against the law to claim that someone was trained for concealed carry when they were not.

As pointed out above, it IS against the law to claim that you have received the training on an application for a concealed carry license, not to mention submitting a materially false document along with the application. Why then are these people NOT being prosecuted? Is it true what Bill Estep of the Lexington Herald Leader

reported in a March 8, 2002 article alleging that "judges, prosecutors, lawyers and doctors" were some of the beneficiaries of this scam? The Big Sandy News [Susan Allen, Friday 3/8/02] reports that high-ranking elected county officials and notable Kentucky personalities have also received fraudulent training certificates. The excuse has been made that these people may have been misled about what the law requires of license applicants. Can anyone really be expected to believe that a judge could be misled about the law? How about prosecutors and lawyers? How about these people signing a statement, WHILE UNDER OATH AND THREAT OF PROSECUTION, that claims they were informed of the training requirement and that they are in compliance?

Roughly ten percent of licensed concealed carry holders are alleged to have obtained their license outside the law. We cannot allow these people to go unpunished. Our concealed carry law works very well and one reason is the necessary training, especially where it concerns firearms law and the use of force. It also has a lot to do with licensees being honest and law abiding. If we can't trust these people to do the right thing and tell the truth about their adherence to the licensing process, how can we trust them to properly apply the law with regard to deadly force and work within the restrictions pertaining to concealed carry.

We know these people are wrong, they know they are wrong, all we need to do is convince the prosecutors to do the job we pay them to do.

James R. Hall
Director, KC3



Kentucky Coalition to Carry Concealed (KC3) Membership Application

(Please print clearly - all information confidential and for KC3 use only)

Is this a RENEWAL? If so, what is your current membership number? _____

Name _____ Male/Female _____

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Date of Birth _____ In which Congressional district do you live? _____

Are you a CDWL Instructor? _____ If so, do you wish to be listed on our web page? _____

Do you want to be on our email broadcast list for timely information and alerts Y/N? _____

Are you a member of the Kentucky State Rifle and Pistol Association? Y/N? _____

Name of the person who referred you to us? _____

Single membership dues, \$10 one year _____ or \$25 three years _____ (Check one)

Household Dues, (2 voting members per household) \$15 per year _____ or \$40 three years _____ (Check one)

List additional member's name for Household _____

Can you help us at gun shows or in other ways? Please describe: _____

Signature _____ Date _____

(The following information is optional and is not required for membership)

What is your party affiliation? _____

Occupation _____

Do you have a current CDWL Permit from another state? Y/N _____ If so, which state(s) _____

Send application with check or money order to:

KC3 Membership

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