

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 102
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Dear Subscriber,

Talk about climate change: CLINTON-era clouds **hiding the Second Amendment** are thinning out. **Rays of common sense are shining through.**

Remember Mother's Day three years ago? **The Million Mom March** (actually just a few thousand) gathered in Washington, D.C. to protest "gun violence" (but not "criminal violence").

And remember back when then-President CLINTON signed the document **to keep Smith & Wesson out of a lawsuit** if it agreed to change its distribution practices, monitor its network of dealers and work on a "smart gun" that could only be fired by its owner?

Today things are different. The Million Moms have degenerated into a **whiny fund-raising outfit**. That **agreement with Smith & Wesson is defunct** because the Clintonistas couldn't figure out how to enforce it and the BUSH administration hasn't pursued it.

What happened? "It is very clear that **the political debate has shifted,**" said Rep. RICHARD E. NEAL, whose Springfield, Massachusetts district is home to Smith & Wesson (and who helped CLINTON with that now-dead agreement).

"I'm not sure that public sentiment has shifted, but I am sure the political debate has," NEAL said.

It sure has. Congress is on the verge of passing a law that would hold the **gun industry blameless** in almost all civil lawsuits involving the use of guns by criminals.

The Protection of Lawful Commerce in Arms Act **breezed through the House** by a vote of 285 to 140. Its support in the Senate is growing large enough that it may even **overcome a threatened filibuster.**

And look at the **Democrat presidential candidates**, for example DICK GEPHARDT of Missouri, who pushed hard for the "assault weapon" ban nine years ago: **heís been strangely quiet** about gun control during the current debate.

Democrats know that gun control loses elections.

Democrat political advisers like DONNA BRAZILE, who managed **AL GOREís losing presidential campaign**, acknowledge that **the gun issue íplayed a large roleí** in GORE losing several rural states in 2000, including his home state of Tennessee, plus Arkansas and usually-Democrat West Virginia.

The shift is even touching the íassault weaponí debate (see Page 4) - the law will sunset in 2004 if Congress doesn't renew it. The increasing Democrat reluctance to push gun control has translated into a fighting chance to kill the ban - *if gun rights supporters donít get cocky and go home before the battle is over.*

The political climate on guns has definitely shifted.

Democrats want the gun issue to go away. About the only Democrats that don't get it are the hardcore urban liberals, folks like California's DIANNE FEINSTEIN, Michigan's JOHN CONYERS, New York's CHARLES SCHUMER and HILLARY CLINTON.

The change shows clearly that the CLINTON-era "gun safety" mania was a wedge issue to scare people into voting Democrat. It was about politics, not safety.

It didn't work. Even Vermont liberal HOWARD DEAN is clear on the point that **gun control is a lousy issue for Democrats.**

Also in this issue: ● *Iraqis to lose AK-47s* ● *Judge should heed NAACP jury*
● *Battle looms over extending íassault weaponí ban* ● *Arizona gun shows get protection* ● *Anti-gun New York Sen. Charles Schumer has armed bodyguard*
● *Fighting Crime in our Page Eight íParting Shotí*

**GUNS: POLITICAL
CLIMATE CHANGE**

UNITED KINGDOM PROTECTING BURGLARS FROM HOMEOWNERS

United Kingdom Home Secretary DAVID BLUNKETT **wants to keep farmer TONY MARTIN in jail**, so he's fighting a parole bid by asserting that **burglars need protection from householders** like MARTIN, who shot two burglars in his home, killing one.

BLUNKETT's lawyers ignited a firestorm of fury when they announced that burglars need protection from homeowners. NORMAN BRENNAN, of the Victims of Crime Trust, said, **“The public are sick and tired of all this pandering to the offender.”**

Martin, 58, has served four years for manslaughter in the death of 16-year-old burglar FRED BARRAS. MARTIN says he should be released on parole, but refuses to show remorse for defending his property, and **the government won't let him out until he does**. However, his sentence ends next month anyway.

AROUND THE WORLD

IRAQIS TO LOSE AK-47S

Allied authorities in Iraq have begun **seizing automatic firearms and heavy weapons** to help stabilize the nation, according to L. PAUL BREMER III, the chief allied administrator for Iraq.

Allies will **confiscate the huge supply of AK-47s, machine guns and rocket-propelled grenades** being used by remnants of the SADDAM HUSSEIN government, said Lt. Gen. DAVID D. McKIERNAN, the chief allied land commander.

U.S. IMPOSES WEAPONS SANCTIONS ON CHINESE FIRM

Charging that North China Industries Corp., known as Norinco, **sold Iran specialty steel used in short- and medium-range missiles**, the Bush administration has imposed stiff economic sanctions on the firm.

The sanctions are estimated to cost Beijing “hundreds of millions” of dollars annually in lost sales in the United States.

AUSTRALIA TO GET MORE GUN RESTRICTIONS

New handgun restrictions have been introduced in the parliament of Queensland, a large state in Australia. **Sporting shooters will be limited to handguns with a maximum .38-caliber and a maximum 10-shot magazine**, with minimum barrel lengths for specific types of pistols.

Also, police in the city of Cowra, west of Sydney, have begun **inspecting gun owners' firearms and ammunition storage** as part of a statewide safety compliance audit in the state of New South Wales.

NEW ZEALAND MAY ADOPT MORE GUN CONTROL

Universal gun registration may be back in New Zealand's parliament soon, even though **a government select committee rejected it two years ago**.

Police Minister GEORGE HAWKINS said that a new report on small arms in the Pacific said that **the nation's ideregistration of legally owned firearms** was “one of the key hindrances to effective control of the illicit trade in firearms.” HAWKINS said a new gun bill will go to the Cabinet within two months.

CANADIAN PROVINCE WAFFLES ON GUN BAN PROSECUTIONS

The Alberta government won't mirror a Manitoba directive to Crown attorneys to **not prosecute any firearm registration offenses**. Justice Minister DAVE HANCOCK said Alberta wasn't opposed to the position, it just hasn't made that bold statement. Manitoba said it was not in the public interest to prosecute trivial offenses.

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JURY CLEARS FIREARMS INDUSTRY, NOW THE JUDGE NEEDS TO CONCUR

A 12-member advisory jury in the NAACP's lawsuit against the firearms industry **has exonerated gun makers and distributors** from responsibility for gun violence in the minority community.

"Now U.S. District Judge JACK WEINSTEIN, who had placed the jury in an advisory role, needs to heed their advice and rule in favor of all the defendants in this frivolous lawsuit," said a Second Amendment Foundation news release.

**ON THE
LEGAL FRONT**

LAWRENCE KEANE, vice president and general counsel of the **National Shooting Sports Foundation**, said, "The jury understood that these law-abiding companies had done absolutely nothing to cause a public nuisance in New York or harm the NAACP and its members. The proper thing for this court to do is dismiss the case immediately."

GUN RIGHTS ADVOCATES WIN NEW JERSEY FIRST AMENDMENT CASE

The Association of New Jersey Rifle & Pistol Clubs has **won a significant gun-related First Amendment lawsuit** against the Montclair, N.J. Board of Education.

The case began in June, 2000, when the school board sent home a flyer in the backpacks of every student **promoting a Ceasefire NJ rally, but refused a request by the pro-gun Moms for Gun Safety to do the same for their views.**

The court-ordered settlement guarantees that **the school board will treat pro-gun groups on an equal footing with anti-gun groups.**

NINTH CIRCUIT COURT OF APPEALS REJECTS SECOND AMENDMENT CASE

When the ultra-liberal San Francisco-based Ninth U.S. Circuit Court of Appeals **decided not to rehear** a California case in which a three-judge panel ruled that **the word 'people' in the Second Amendment does not mean individuals**, it prompted harsh criticism.

That would not be so unusual for this most-overtaken appeals court in America except for the critics: **six dissenting judges on the court!**

They wrote, "The panel opinion erases the Second Amendment from our Constitution as effectively as it can, by holding that no individual even has standing to challenge any law restricting firearm possession or use. This means that an individual cannot even get a case into court to raise the question."

It said **'rights' were retained by individuals** while **'powers' were delegated to governments**, so "the right of the people to keep and bear arms" *means what it says*.

The strong language of the dissent may influence the U.S. Supreme Court to accept the case for review, although legal scholars feel the high court will not agree to hear it.

UTAH UNIVERSITY REFILES GUN BAN LAWSUIT

The University of Utah has refiled its lawsuit in a state court, **seeking to uphold the school's ban on campus guns**. A federal court has ruled that a state court needed to look at state law issues before federal issues were considered.

At issue is **whether the school has authority to ban guns carried by holders of concealed-weapons permits**.

CONNECTICUT GUNS-IN-TAXICABS CASE GOES TO STATE SUPREME COURT

The Connecticut Supreme Court has accepted a case for review in which a New Haven judge determined that **taxi drivers can carry guns in their cabs even if they don't have a permit to carry**.

The case revolves around a 2001 shooting by a cabbie who killed a fare that was menacing him. The driver was then charged with carrying a pistol without a permit, but **the judge ruled he was exempt because the cab was his place of business**. The high court is expected to consider the case next session.

LEGISLATIVE BATTLE TO EXTEND THE GUN BAN

Two bills recently introduced in Congress prove that **gun-rights defenders can't just sit back and wait for the assault weapons ban to expire.**

Sen. DIANNE FEINSTEIN (D-CA) has introduced a bill (S. 1034) to **reauthorize the ban on 19 types of assault weapons,** which first passed in 1994. It has garnered eight co-sponsors after several weeks of courting.

**AT THE
FEDERAL LEVEL**

Representatives JOHN CONYERS (D-MI) and CAROLYN MCCARTHY (D-NY) are **not content to merely re-authorize the ban.** They've introduced legislation (H.R. 2038) to **expand** it.

Most commentators say the CONYERS-McCARTHY bill is Dead On Arrival, and some are saying the same of Sen. FEINSTEIN's reauthorization measure.

House Majority Leader TOM DELAY (R-TX) says, **the votes aren't there** to reenact of ban, and **the Republican leadership wouldn't let the bill go to the floor.**

Speaker of the House DENNIS HASTERT (R-IL) a few days later **put a damper on DeLAY's statement,** saying he hadn't made up his mind or talked to the President about it yet. (And only the Speaker can make such a decision.)

HASTERT may be thinking about bringing the reauthorization bill to the House floor **in hopes it will be trounced** by such a huge margin that the Senate will not bring up something that couldn't pass the House.

That could be tricky. In an election year, many Members would not want to cast a vote on such a controversial bill, especially rural Democrats and urban Republicans who could both be trapped in a no-win scenario.

But even keeping the reauthorization off the House floor isn't foolproof.

HASTERT can't stop Sen. FEINSTEIN from sticking an amendment on the 2005 Justice Appropriations bill, and **that will be coming to a vote in the Senate just before the 2004 election.**

So the watchword for gun rights is the same as always: **Eternal vigilance is the price of liberty.**

SENATE MINORITY WHIP'S SURPRISE SUPPORT FOR ANTI-LAWSUIT BILL

Sen. HARRY REID (D-NV), **usually a strong anti-gun voice,** is one of 52 senators **supporting legislation to prevent lawsuits** against gunmakers and dealers for crimes committed by users of their lawful products.

His support may be simple politics: he will be seeking a fourth Senate term next year in a tight race, and Nevada voters tend to favor gun rights.

But REID says **it's not politics and he's sincere:** "I have always believed that if you sell a product that is not defective, why should anyone be able to sue you?"

Gun rights advocates welcome Sen. REID's support.

SENATE PASSES BILL TO ARM CARGO PILOTS

The Senate has passed by voice vote **legislation that would allow air cargo pilots to carry guns** on duty after proper training. It would also require that cargo be inspected and for cargo companies to have security plans.

Sen. JIM BUNNING (R-KY) said, "Last year, when we created the Federal Flight Deck Officer [armed pilots] program as part of the Homeland Security Bill, cargo pilots were excluded. This created a hole in our national security."

The House is considering similar legislation.

BALLISTIC FINGERPRINTING STUDY BILL INTRODUCED

U.S. Senators LINDSEY GRAHAM (R-SC) and ZELL MILLER (D-GA) have introduced S. 980, requiring **the study of ballistic imaging technology** to determine if it is an effective law enforcement tool.

Several studies have already determined that **existing ballistic imaging systems are flawed.** However, two bills include ballistic "fingerprinting" schemes that amount to a national gun registration program, S. 22, introduced by Sen. TOM DASCHLE (D-SD) and H.R. 24, by U.S. Rep. XAVIER BECERRA (D-CA).

ARIZONA BILLS ENHANCE GUN RIGHTS

H.B. 2319, the bill **protecting Arizona's gun shows from attacks by anti-gun city and county officials**, has become law with Democrat Governor JANET NAPOLITANO's signature. This is a substantial victory for all gun owners in the state.

IN THE STATES

A second big win came when Gov. NAPOLITANO signed H.B. 2353, **a concealed carry reciprocity law** that allows permit-holders from other states to carry concealed weapons while in Arizona.

Those from other states can now carry concealed weapons in Arizona if they are at least 21, have undergone a background check and have completed a firearms safety course.

TEXAS HOUSE BILL PROTECTS CONCEALED CARRY FROM LOCAL BANS

The Texas House has passed a bill **to clarify that cities have no authority to ban concealed handgun licensees from bringing their firearms into public places**.

The bill was needed, said author Sen. KEN ARMBRISTER (D-Victoria), because properly **licensed carriers are vulnerable to unpredictable criminal prosecution** from regulations that vary across the state.

What may be legal in one town could be a crime in the next. Rep. SUZANNA HUPP (R-Lampasas), the House sponsor, said, "This is a defense to prosecution."

Ms. HUPP said that **authority to say what places are off-limits rests solely with the legislature**, but *cities have been using a loophole in the law to regulate handguns*.

CALIFORNIA ATTORNEY GENERAL WANTS TO ELIMINATE PERMIT-DENIAL RECORDS

California Assembly Bill 1044, drafted and supported by state Attorney General BILL LOCKYER, **would eliminate all records of wrongful handling of Concealed Weapons (CCW) permit applications**.

Critics for years have charged that the state's gun permit issuance system is being **handled improperly**, and **the only way to prove it is with the records this bill would eliminate** - supposedly as a "cost saving" measure.

These records have been **declared public by the California Supreme Court** for the specific purpose of providing evidence in cases involving mishandling of CCW applications. Destroying the records would mean eliminating equal protection rights in CCW application cases.

CHURCH TO CHALLENGE MINNESOTA GUN LAW

The Edina Community Lutheran Church has filed suit in Hennepin County District Court in Minneapolis, contending that a new law allowing concealed carry unconstitutionally infringes on religious freedom by requiring them to tell each person who enters the church that guns aren't allowed. They're probably exaggerating.

NEW HAMPSHIRE SENATE PASSES GUN LIABILITY BILL

The state Senate has passed a bill that would **prohibit civil lawsuits** in New Hampshire against gun manufacturers, distributors, dealers and importers of firearms or ammunition whose products are used for criminal or unlawful purposes.

DENVER PLANS TO SUE STATE OVER NEW GUN LAWS

The city of Denver plans to sue the state of Colorado over a **new gun law that forbids cities to ban concealed weapons**. Senate Bill 25 eliminates all local gun laws, making the state measure the law of Colorado.

ALASKA ADOPTS VERMONT-STYLE CONCEALED CARRY LAW - AND AN ALTERNATIVE

Alaska has become the first state to pass a "Vermont Style Carry" CCW law, allowing law-abiding citizens to carry without benefit of a permit. The vote was 33-5 in the House and 13-6 in the Senate. The licensing system is still in place for those who need one for reciprocity purposes. The bill is now sitting on Governor FRANK MURKOWSKI's desk. He is expected to sign it.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

●**Albany:** City of Albany Mayor Jerry Jennings has announced the "Don't Lie for the Other Guy" campaign to stop illegal "straw" purchases of firearms in the capital of New York. The poster motto is: "Purchase a gun for someone who can't and buy yourself 10 years in jail."

●**Washington, D.C.:** New York Democrat Senator Charles Schumer, a gun control zealot who has worked for years to disarm the average American, has been exposed. It was recently revealed that he has an armed New York City police detective bodyguard, a luxury not available to working class Americans. Critics say he should dump the bodyguard and face the world like the people he's disarmed.

●**Houston:** *The Houston Chronicle*, Texas' largest newspaper and the ninth largest newspaper in the country, will no longer accept classified ads for handguns, except from licensed firearms dealers. And the newspaper will not accept classified ads for "assault weapons" from anyone, licensed or not. *The Chronicle* will continue to accept classified ads for long guns - rifles and shotguns.

●**Miami:** Broward County Sheriff Ken Jenne outraged CNN viewers recently when he appeared on a TV segment in support of extending the 1994 "assault weapons" ban. While Jenne spoke, footage played that was supposedly intended to show the difference between banned weapons and their legal counterparts. A burst of fire from a banned weapon tore through a cinderblock target, while the legal firearm made no mark on a similar target. The real reason was the Sheriff's deputy who fired the shots aimed the legal weapon at the ground, not the cinderblock, giving viewers the false impression that legal weapons have less firepower. In fact, both have the same firepower, so critics concluded that the demonstration was a setup by the Sheriff to mislead the public into supporting an extension of the ban.

●**Washington, D.C.:** Dr. John Lott has released research showing that the media intentionally bias their reporting against the legal use of guns. In an examination of *New York Times* stories from 2001, Lott found 104 articles about criminals using guns, totaling 50,745 words. By contrast, the *Times* wrote 163 words about the defensive use of a gun by a citizen in only one story. *USA Today* reported 5,660 words on criminal use of guns but no reporting on the use of guns to stop crimes. *The Washington Post* devoted 46,884 words to the criminal use of firearms and 953 words to their defensive use by law-abiding citizens.

●**Warren, Indiana:** Dan Whinery of Dan's Guns and Ammo recently applied to Chase Manhattan Bank USA for a Chase Business Credit Card and was turned down with the following words: "We are prohibited from extending credit to businesses operating in your industry." Critics have suggested that the directors and executives of the bank should receive calls questioning the policy, which is ultimately aimed at the American gun owner.

●**Amherst, Massachusetts:** The University of Massachusetts - Amherst drew a storm of protest when it proposed to abandon its school logo of the Minuteman and replace it with a logo of the Gray Wolves. The school expressed concern over promoting an armed white man, but added that the symbol wasn't selling enough sweatshirts and other licensed goods. Critics noted that the Gray Wolves is also the name of a violent fascist youth group from Turkey. A man who tried to assassinate Pope John Paul II was a member. The university decided to keep the Minuteman but update his look. It was not clear whether he'll keep his gun.

●**Washington, D.C.:** "New Democrats" can retake the White House, says Al From, founder of the Democratic Leadership Council. The way to do it, says Virginia Democrat Gov. Mark Warner, who beat a Republican opponent for an open seat in 2002, is to manipulate discussion of the issues. Democrats must "ensure that some of the socially divisive, hot-button issues like abortion and gun control don't end up dominating the whole debate." If Warner believes those two issues alone make Democrats lose, what should gun owners be talking about?

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Los Angeles:** The Los Angeles Police Commission and Police Chief William Bratton have lent their support to a proposed ordinance that would ban sale of "large caliber" firearms, saying it would make the city safer. Banned firearms would include .50-caliber rifles and .50-caliber handguns. How the proposed ordinance will prevent crime is puzzling, since the large caliber firearms have never been used in a crime in California.

● **Vermont:** Howard Dean, candidate for the Democrat presidential nomination, has a firm position on gun control: he's all for it. According to his campaign Web site, Dean favors Brady Law registration requirements, shutdown of gun-shows, and extending the ban on so-called "assault weapons." He would leave additional gun control laws to the states, no federal pre-emption.

● **Scottsdale, Arizona:** Smith & Wesson Holding corporation, parent company of the legendary 151-year-old handgun maker, Smith & Wesson Corp., has announced that the company begins Fiscal Year 2004 with strong sales and a record-breaking 120 percent increase in backlog over the comparable period last year. Smith & Wesson was acquired by Saf-T-Hammer in May 2001 which became Smith & Wesson Holding Corporation.

● **New York City:** Democrat Councilman James Sanders Jr. has introduced an ordinance that would subject rifle and shotgun ammunition to the same restrictions as handgun ammunition. That means rifle and gun owners will have to show a detailed license when purchasing ammo. The real point of the measure is doubtful, since few stores in New York city's five boroughs stock ammunition. The ordinance would not preclude gun owners from making their purchases outside the city.

● **Princeton, New Jersey:** Princeton Police Chief Dave Warneke recently told a *Princeton Union-Eagle* reporter that he fully supports the new concealed carry law that changed permit requirements. Applicants no longer have to explain why it is necessary to carry a handgun, but must have successfully completed a certified gun safety course. The minimum age was raised from 18 to 21 and the permit fee went up from \$10 for one year to \$100 for five years.

● **Bloomington, Indiana:** Bloomington Police Chief John Laux has publicly stated that he believes the new statewide concealed carry law could lead to troubles for officers. The legislation requires law enforcement agencies to issue most citizens permits to carry hidden firearms. Previously, permits to carry handguns were issued at the discretion of local law enforcement department heads. Laux told a *Bloomington Sun* reporter, "I am more than slightly concerned" about the safety of his officers.

● **Hollywood:** Some celebrities aren't shy about their love for guns and hunting, even though many are afraid of being blacklisted by anti-gun directors or offending their fans. Madonna and her husband Guy Ritchie often hunt pheasant on their rural English estate. Director Steven Spielberg owns an extensive collection of fine shotguns and enjoys shooting clay targets (but he played silly-putty with the re-release of his blockbuster, *ET, the Extraterrestrial*, changing the FBI's guns in the climactic chase scene to cell phones). Actor Harrison Ford also enjoys shotgunning.

● **St. Louis:** State Rep. Rodney R. Hubbard (D-St. Louis), 30, was arrested recently on suspicion of firing a pistol at a man, police said. Hubbard was arrested after Tyrus Williams, 25, reported that Hubbard had fired several shots at him during a quarrel in a parking lot. Police recovered six shell casings at the scene. Hubbard was photographed, fingerprinted and booked on suspicion of first-degree assault, a felony; armed criminal action; and third-degree assault, a misdemeanor.

● **Jackson, Mississippi:** The city council has shot down an ordinance to regulate gun shows in their jurisdiction. The vote was 4-3 against the regulation. Councilman Kenneth Stokes said he proposed the ordinance to stop some of the gun violence on city streets. Other council members wanted to wait for statewide legislation.

Parting Shot

FIGHTING CRIME

The little town of Big Lake, Alaska (population 3,000) was hit with dozens of unsolved break-ins last winter, one resulting in a \$50,000 loss of personal property including a kitchen trash compactor.

So, when pastor Phillip Mielke saw two men burglarizing his church, the Big Lake Community Chapel, he shot them dead.

Alaska State Troopers identified the two dead men as Christopher Lee Palmer, 31, of Big Lake and Francis Marion Jones IV, 23, of Wasilla.

Trooper have found no evidence that the men were carrying firearms, but have not charged the pastor with any offense.

Locals cheered the shooting. *The Anchorage Daily News* reported that patrons of Big Lake Motel's Hangar Lounge said the two men got what they deserved, "an opinion shared by several others who basically saw the shooting as God's wrath."

In New York's Harlem, however, things are very different.

One bodega clerk used an unlicensed gun to kill a robber and is facing charges. Another bodega clerk didn't - and is dead.

Mohamed Dramy, 40, a clerk at a St. Nicholas Avenue bodega, was shot in the chest and killed in a robbery try. Dramy had just returned from Gambia, where he'd gotten married.

José Acosta, 69, who works in a Frederick Douglas Boulevard bodega, was accosted by three masked holdup men in the store. He pulled out a .22-caliber gun and fatally wounded one of the robbers, an Army deserter named Luquarn Washington, 19.

The gun was unlicensed - it's nearly impossible for anyone except a celebrity to get a license in New York - and Acosta, an ex-Dominican Republic cop, was charged with fourth-degree criminal possession of a weapon. He was freed on \$5,000 bail.

José Fernandez, head of a 7,000-member association of grocery owners, deplored the problem.

"We have to choose between going to jail for having an illegal weapon or protecting our lives," he said.

Things have come to a sorry pass when we have to make the decision whether to get killed by thugs or go to jail for killing thugs.

It's time for New York Police Commissioner Ray Kelly to meet with people like Fernandez to work out a plan to make it easier for store owners in high-crime areas to get gun permits.

Alan M. Gottlieb

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