

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Washington, D.C. today is mostly **politics-as-usual**, but with a few surprises. The most welcome surprise is an amendment to legislation that would **protect gun manufacturers and dealers from legal liability** when crimes are committed without their knowledge - submitted by Senate Minority Leader THOMAS A. DASCHLE (D-SD).

Long an anti-gun leader, Daschle said of his amendment, "The vast majority of gun owners, manufacturers and sellers are honest and law abiding. It is wrong - and a misuse of the civil justice system - to try to punish honest, law-abiding people for illegal acts committed by others without their knowledge or involvement."

A companion bill has passed the House and the Senate bill has **55 co-sponsors**. If the Senate adopts it, President BUSH is likely to sign it.

Almost as surprising, but not as welcome, is a plan to **reauthorize a law banning plastic guns** that, according to Sen. Edward Kennedy (D-MA), "have no metal parts and could be used by terrorists to slip past airport metal detectors."

The fact that **there are no such guns** doesn't deter co-sponsors CHARLES SCHUMER (D-NY) and FRANK LAUTENBERG (D-NJ) from introducing legislation to reauthorize the Terrorist Firearm Detection Act of 1988, which bans the creation or possession of plastic firearms.

No surprise is **the binge of gun control proposals** on the first anniversary of **the D.C. sniper shootings**. Sen. BARBARA MIKULSKI (D-MD) became so angry over the prospect that Congress might not extend the ban on military-looking semi-automatic rifles, misnamed "assault weapons," that **she was almost yelling**.

Rep. CAROLYN McCARTHY (D-NY) joined in the hysteria, **pushing for a permanent extension** that would sweep more firearms - some like one used in the D.C.-area sniper shootings - into the ban.

In Philadelphia, **several police chiefs urged Congress to renew the ban**, and stacked a table with firearms for political effect at the annual convention of the International Association of Chiefs of Police.

On a more upbeat note, the **District of Columbia Personal Protection Act** has gathered substantial momentum, with H.R. 3193 winning **126 House co-sponsors**, 32 Democrats and 94 Republicans.

A companion to Senate bill S. 1414, introduced by Sen. ORRIN HATCH, the House bill was introduced by Reps. **MARK SOUDER** (R-IN) and **MIKE ROSS** (D-AR).

The need for this legislation has become obvious with Washington, D.C. suffering both **the most restrictive ban on handgun ownership in America** and one of the **highest homicide rates in the nation**.

Rep. SOUDER said, "The District of Columbia is a failed laboratory experiment for gun control. In 2002, the District of Columbia had the highest per capita crime rate of any city in the nation. This is not a coincidence."

Sen. HATCH said, "It is time to restore the rights of law-abiding citizens to protect themselves and to defend their families against murderous predators. It is time to tell the citizens of the District of Columbia that the Second Amendment of the Constitution applies to them, and not only to their fellow Americans."

Also in this issue: ● CDC says gun control doesn't work ● Missouri's concealed carry law under fire ● Democrat hopefuls: quiet on gun control? ● U.N. trying to disarm Afghanistan ● TSA stays with German gun for pilots ● Crime stoppers win in our Page Eight *iParting Shot*

**ON THE
FEDERAL
LEVEL**

CDC GETS HONEST - GUN CONTROL DOESN'T WORK

Finally, the **Centers for Disease Control and Prevention** has issued their report which indicates that **there is no conclusive proof gun control laws are effective in reducing gun violence.**

According to JOE WALDRON, executive director of the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), "gun control advocates for years have been relying on the CDC's earlier biased research during the Clinton administration."

The Clinton CDC used gun tracking and other information in support of gun control legislation. However, after large numbers of complaints, Congress in 1996 ordered the agency to stop conducting advocacy research.

**REPORT CARD:
GUN CONTROL
"F"**

"It's the exact same people (today) at the CDC who have been issuing all the anti-gun reports for years," said WALDRON. "The bottom line is that **they couldn't justify (gun control laws)** as hard as they tried to refute every gun control study that's been done. **They couldn't come up with any study that says that gun control works.**"

The report was assembled by the CDC's Task Force for Community Preventive Services, an independent non-federal panel of experts. JONATHAN FIELDING, director of the Los Angeles County health department and chair of the task force, called a press conference to release the report.

FIELDING said that "One part of our inquiry was to systematically assess possible effects of legal strategies in preventing death and injury from firearms, including bans on specified firearms or ammunition, restrictions, waiting periods for acquiring firearms, firearm registration, licensing firearm owners, shall-issue concealed weapons carry laws, child access prevention laws, zero tolerance laws for firearms in schools and combination of firearm laws."

The task force reviewed 51 published studies dealing with various gun control laws for the report.

"Evidence regarding the effectiveness of these laws was carefully reviewed and found to be insufficient to discern any conclusions due to inappropriate numbers of studies, unreliable data, inappropriate analyses and inconsistent results," FIELDING continued.

FIELDING stipulated that "we don't mean that the law has no effect," just that the studies were too narrowly focused or had "methodological problems."

In fact, those studies were "very important," and the panel "recommended additional high-quality research," FIELDING said.

WALDRON said the CDC report was in reality **a call for more funding** to conduct the additional research **until it produced the desired outcome.** He also dismissed any suggestion that the pro-gun BUSH administration might have attempted to manipulate the study, arguing that if it had, the CDC would not be seeking more funding.

Questions now center on **where the CDC expects to find the additional funding for more research,** especially in light of the 1996 congressional order prohibiting advocacy.

"We are prohibited from using any of our funds to advocate or promote gun control. So I think that the restrictions are really about advocacy for laws or policies," SUE BINDER, director of the CDC's Injury Center, said.

WALDRON concluded, "But that doesn't mean that their hand isn't out and they're not looking for grants from various private and public foundations to do it with."

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MISSOURI'S NEW CONCEALED CARRY LAW TARGET OF LAWSUIT

Immediately after the Missouri legislature overrode Gov. BOB HOLDEN's veto of **HB 349, a Right to Carry bill**, a small group of disgruntled legislators and local officials **filed a lawsuit to derail the new law** before it could go into effect.

Plaintiffs complained that the new law **violates the Missouri state constitution**, which guarantees that "the right of every citizen to keep and bear arms in defense of his home, person and property, or when lawfully summoned in aid of the civil power, shall not be questioned; *but this shall not justify the wearing of concealed weapons.*"

**ON THE
LEGAL
FRONT**

Missouri isn't the only state with a provision about concealed firearms in its constitutions, said JOE WALDRON, executive director of the Citizen Committee for the Right to Keep and Bear Arms. "Texas and New Mexico have similar provision, **yet both have concealed carry laws.**"

Even though Gov. HOLDEN's veto didn't stand up in the legislature, he has taken steps to scale back the law on his own. **HOLDEN has announced that he would prohibit concealed firearms in state buildings.**

WALDRON predicted that the law would prevail and gun control advocates would eventually retreat.

OREGON HIGH COURT UPHOLDS WEAPONS CONVICTION

The Oregon Supreme Court has ruled that **employees are not covered by a legal exemption for business owners from state requirements for concealed-weapon permits.**

The court upheld the 1998 conviction of MORGAN JOEL PERRY, a Portland convenience-store clerk, for unlawful possession of a concealed weapon. PERRY asserted that an exemption in state law covered employees and owners who keep firearms at a place of business from having to obtain permits.

But the justices upheld the conviction, saying that **such a construction would allow anyone with a job to carry a concealed weapon**, which would defeat the Legislature's intent.

MINNESOTA RELIGIOUS GROUPS SUE TO OVERTURN CONCEALED CARRY LAW

A group of some two dozen churches and a synagogue has **filed suit to have Minnesota's concealed handgun law overturned**, contending the law infringes on religious freedoms guaranteed in the state and federal constitutions.

The law requires churches to both **post signs and verbally inform parishioners at the door that pistols were prohibited.**

DAVID LILLEHAUG, former U.S. attorney for Minnesota, filed the suit in Ramsey County District Court, asserting that the handgun law denies them the ability to chose the wording of signs posted on church property informing the public that guns are banned there.

MISSOURI JUNK LAWSUIT BITES THE DUST

A St. Louis County judge has **dismissed a lawsuit the city of St. Louis brought against the gun industry** seeking reimbursement for costs associated with gun-related injuries.

St. Louis County Judge EMMETT O'BRIEN said **he found no basis for the claim.** In a five-page opinion, O'BRIEN wrote that "issues of both logic and fairness" favored dismissing the case.

The lawsuit was filed in April 1999 and **charged the industry with being a nuisance for suspicious distribution systems**, said CARL W. YATES III, assistant city counselor for St. Louis.

The lawsuit maintained that manufacturers and retailers *intentionally* worked to sell firearms to dangerous individuals.

St. Louis city counselor PATTI HAGEMAN said was too early to say whether the city would appeal the decision. The suit moved from city circuit court to federal court and back a couple of times before ending up in St. Louis County court.

TAKING AIM AT CONCEALED CARRY BANS

After **victories in five states** already this year, concealed carry advocates are focusing in on the few remaining states **that still prohibit gun owners from carrying a concealed firearm.**

Legislative battles are brewing in Wisconsin and Kansas, with a lawsuit in Texas.

● **WISCONSIN:** The Assembly Criminal Justice Committee has amended an Assembly bill that would allow Wisconsin residents to carry concealed weapons **to make it identical to a measure that already passed the Senate** by a vote of 24-8.

Separate concealed carry bills have been moving through both the Senate and the Assembly.

The Assembly panel voted 9-4 to amend their bill and send it to the Assembly Rules Committee, to schedule it for floor debate. However, the Senate bill is also set to come to the Assembly floor for debate.

Committee member Rep. Mark Pocan (D-Madison) complained **the committee shouldn't bother to amend the Assembly's version** because he expects **the Senate bill will pass the Assembly** and go to Gov. Jim Doyle, who said he will veto the measure if passed.

The bill allows counties to elect not to issue permits, but residents could go to another county sheriff for a permit. Racine County has passed a resolution supporting concealed carry, while the University of Wisconsin is seeking authority to ban firearms on its campuses.

● **KANSAS:** "Buzz but no bill" could be the story of Kansas since a reporter for the *Wichita Eagle* wrote a piece headlined, **iGun advocates see window for change in 2004.**

It talked a lot about gun owners gearing up to pass a concealed carry bill in the next legislative session, but didn't get down to the nuts-and-bolts of how to write a bill that would get past Gov. Kathleen Sebelius, who opposes concealed carry for all except retired law enforcement officers.

Although the trend is toward support for concealed carry in Kansas, there will still be an uphill battle to get a viable bill past the governor's desk.

Some of the battle plan is visible now: **the legislative fight will likely be led by female lawmakers**, like 1999's vetoed bill was, said Rep. Candy Ruff (D-Leavenworth).

It has to do with the Second Amendment, and women being able to protect themselves, she said.

● **TEXAS:** A gun rights group **headed by Texas General Land Commissioner Jerry Patterson** has sued Harris County's Metropolitan Transit Authority for violating the state's constitution by **banning concealed handguns on its buses.**

Patterson, who lives in Austin, said he filed the lawsuit in Harris County because some of his Houston-area members have been harmed by the policy, which carries no punishment, but **denied them public transportation.**

Patterson said that because Metro is a public transportation agency, it can't prohibit concealed guns as private buildings and businesses can.

"If they chose, they could forego their unconstitutional, unlawful and silly ban of concealed handguns," said Patterson, **who authored the state's concealed handgun law approved in 1995.**

● **NEW MEXICO:** State Sen. Shannon Robinson (D-Albuquerque), who pushed concealed carry legislation for years before it passed into law this spring, is hopping mad at the New Mexico Department of Public Safety for **trying to make the permit process so difficult it discourages people from exercising their rights.**

Robinson leveled fiery criticism of proposed regulations at DPS Secretary John Denko during testimony at the state Capitol. Robinson also noted that Denko opposed the legislation and **is trying to veto it through bureaucracy.**

● **NORTH CAROLINA:** Three more states have been added to the list that recognizes North Carolina right-to-carry, bringing the total to 19. **The most recent additions are Arizona, Colorado, and Wyoming.**

**CONCEALED
CARRY
UPDATE**

DEMOCRAT HOPEFULS PLAY DOWN GUN CONTROL - SORT OF

Most Democrat strategists say it was **Al Gore's strong gun control image** that **lost him the presidency** in 2000, and the candidates for the 2004 Democratic Party presidential nomination take that assessment seriously.

The media make the case that the Democrat hopefuls know the issue is ballot box poison and **are staying away from it at all costs.**

POLITICS 101

Gun rights defenders make the point that the Democrats are stifling their true beliefs **for purely political strategy reasons.**

But are the Democrat hopefuls *actually* being so quiet on the issue? Here's what's really going on:

DEAN: Read the *Washington Post* one day and see Howard Dean, the early front-runner, proudly telling audiences that **the National Rifle Association endorsed him as governor of Vermont.** He tells voters that the federal government should not "inflict regulations" on states that don't want them. Local control is his ticket.

But his website says, "The assault weapon ban expires next year, and it should be renewed."

Read the *Washington Post* another day and see Sen. Edward Kennedy bashing Dean for being "pro-NRA." Kennedy said Dean had "compromised his principles" as a physician by opposing stronger federal gun controls. Dean is a medical doctor.

GEPHARDT: This congressman is being **very strategic.** Rep. Richard A. Gephardt (MO) is a longtime gun control advocate reluctantly facing up to the fact that America has changed. **He knows that just being silent won't work.** He carefully highlights his support for law-abiding gun owners.

But Gephardt tiptoes around gun control issues. When pinned down on the issue of making permanent and expanding the "assault weapons" ban by adding new prohibited gun models and stopping importation of some ammunition clips, Gephardt said, "I would be happy just to extend it," as if that were a compromise position.

EDWARDS: And Sen. John Edwards (NC) **slides into the issue sideways,** saying, "It's very important for us as Democrats to understand that where I come from guns are about a lot more than guns themselves. They are about independence. For a lot of people who work hard for a living, one of the few things they feel they have any control over is whether they can buy a gun and hunt. They don't want people messing with that, which I understand."

KERRY: Sen. John Kerry (MA) is being **positively noisy in favor of gun control.** He said during the Detroit Democratic Presidential Debate, "There's a front-page story in today's *Washington Post* that says that Democrats are going to try to run away from the issue of **gun safety.**" (Note that *gun control* is out.)

"I don't think that we can get elected nationally if we are not prepared to stand up against powerful special interests and make it clear that, whether it's the NRA or any other special interest, we're prepared to stand for our principles.

"All across the country, we have too many people who die each year from guns.

"So let me make it plain: I am for the assault weapons ban. I'm for the Brady Bill. I'm for making sure we stand up for gun safety in this country. We cannot be a party that retreats in an effort to try to court votes and not save lives."

CLARK: Retired General Wesley Clark is **in favor of gun safety locks,** but waffled on how he could mandate them and for banning "assault weapons."

KUCINICH: Rep. Dennis Kucinich (OH) is **particularly noisy.** For example, he told an audience of gun control advocates that we have "a war at home."

He explained, "We have weapons of mass destruction we have to address here at home. And we need to address these problems here in our cities, and that's what my candidacy for president is all about."

LIEBERMAN: Sen. Joe Lieberman (CT) is **a veteran anti-gun advocate** whose name is on several gun control bills. He's been relatively quiet, like the headlines say, **claiming to support the Second Amendment, but not saying how.**

SHARPTON: Reverend Al makes blanket statements such as this one from the candidate debate at Charleston, South Carolina: **we must do whatever we can to regulate how guns are used.**

SOUTH AFRICAN GUN OWNERS FEEL THEY ARE BEING UNFAIRLY TARGETED

The new Firearms Control Act was passed because police statistics claim that about 22,000 firearms were stolen from legal owners in 2002.

The law has raised complaints from legal gun owners in South Africa because statistics show that there were only 200 prosecutions for the negligent loss of a firearm - and conflicting reports put the number stolen at 5,310 over a five year period.

But the new law doesn't care. It requires legal firearms owners to reapply for licenses and will allow them to own only a certain number of weapons.

Those who have more weapons than the law allows will have to either convince the authorities they are collectors, sell the excess or hand them over to the state for destruction.

Most observers feel the law will have no effect on reducing crime.

AROUND THE WORLD

POLICE IN LONDON MAKE 'PRE-EMPTIVE STRIKE' AGAINST GUN CRIME

London police recently staged a series of dawn raids with more than 500 officers in coordinated searches in Islington, north London, "to send out a clear message to anyone intending to acquire or use a firearm in the borough," according to a Scotland Yard statement.

Islington borough commander, chief superintendent Barry Norman, said the operation was part of a long-term proactive approach to keeping gun crime away. Gun crime rose by 35 percent last year, according to latest government figures.

'GUN-TOTING' BUSH VISIT TO AUSTRALIAN CAPITAL ANNOYS GREENS PARTY

When President George W. Bush visited Parliament House in Canberra on his overseas mission last month, Greens Party Senator Bob Brown asked Senate President Paul Calvert if the Government is allowing armed foreign agents into the building.

Extra security measures virtually locked down Parliament House during the Bush visit, and Sen. Brown exclaimed, "We do not need gun-toting people sheriffing over us in this Parliament."

Sen. Calvert said the security procedures for the Bush visit were no different than those used for many years.

UN DISARMAMENT BEGINS IN NORTHERN AFGHANISTAN

Warlord militiamen recently handed over their Kalashnikov rifles under a United Nations-sponsored program to disarm 100,000 fighters and end the cycle of violence in this country plagued by two decades of war.

President Hamid Karzai's government, whose influence is confined to the capital, is trying to build a 70,000-member national army to replace the warlords' militias, but it has only 5,000 troops now.

The disarmament is part of an arms-for-work exchange, with the government supplying a livelihood to former militiamen.

TOUGHER GUN CONTROL MEASURE ADVANCES IN BRAZIL

Brazil's lower house of Congress has passed a bill to tighten gun control, including a plan to hold a referendum on whether to ban gun sales outright.

Gun rights defenders said they managed to block proposals that would have prevented ordinary Brazilians from owning guns.

The bill calls for background checks before gun sales, tougher prison sentences for the illegal possession of firearms, a rise in the minimum age for gun purchases to 25 from 21, and stricter enforcement of gun registration requirements.

CANADA'S GOOFY STATISTICS

New Canadian homicide statistics have gun control advocates saying the costly national gun registry is working. Only they ignore the fact that almost three-quarters of the 582 homicides in 2002 were not gun-related. In fact, more Canadians were stabbed to death than shot. Knife registry, anyone?

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

●**Detroit:** Police Chief Jerry Oliver should have known better when he packed a loaded handgun in his luggage for a recent flight to Philadelphia. He should face prosecution, same as any other citizen who did the same thing, says the Citizens Committee for the Right to Keep and Bear Arms, but Wayne County Prosecutor Michael Duggan has not filed charges against the chief.

●**Hazelton, Missouri:** Police Chief Carl Wolf issued an order to have his officers seize firearms from motorists they encounter in routine traffic stops, particularly those legally carried under the newly passed state law permitting it. The memo was provided by concerned law-enforcement officers to the Second Amendment Foundation, which issued a news release condemning the outrageous order.

●**Sunrise Acres, Michigan:** Ted Nugent, rock musician, avid outdoorsman and defender of gun rights, has endorsed "Gun Nut" flavor ice cream, a new item unveiled by the Star Spangled Ice Cream Company, which bills itself as "the conservative alternative to the liberal Ben & Jerry's." Part of the proceeds will go to Gun Owners Foundation Gun Safety Project. The new flavor is described as "coconut almond chip."

●**Salt Lake City, Utah:** The Citizens Committee for the Right to Keep and Bear Arms is calling for Salt Lake City Police Chief Rick Dinse's resignation after he joined the board of directors of the Gun Violence Prevention Center of Utah. Utah Gun Owners Alliance executive director Sarah Thompson called the directorship a "conflict of interest." Would Dinse allow one of his officers to become a director of a pro-gun group? Not likely.

●**New York City:** Former bodyguard-to-the-stars Michael Francis, author of the soon-to-be-published "Star Man: The Right Hand Man of Rock 'n' Roll," says even the brightest stars need only one good guard. But some big stars are hiring four or five goons that often do more harm than good, pushing people around and drawing lawsuits for punching out fans that get too close.

●**Washington, D.C.:** The Transportation Security Administration has reaffirmed its decision to have German firearms manufacturer Heckler & Koch supply as many as 9,600 .40-caliber handguns to U.S. commercial airline pilots who complete federal law enforcement training under the agency's gun-in-cockpits program. The German company will build the firearms at a new factory in a Columbus, Georgia technology park.

●**Ohio:** In 2001, Michigan's violent crime rate dropped below Ohio's for the first time since modern crime trends have been recorded - down to 4,081.5 per 100,000 people, compared to yet another increase in Ohio - up to 4,177.6 from 4,041.8. The success of Michigan's concealed carry law in producing good statistics is being presented to Ohio lawmakers who are battling over a concealed carry measure.

●**Julian, California:** Firefighters battling blazes that ravaged Southern California ran into an unexpected problem: armed residents protecting their property. One resident became alarmed after seeing people walking near his property with flashlights. He waved a .45-caliber handgun in the face of an intruder, who turned out to be a firefighter. People in the affected rural areas are swift in protecting their property. Firefighters were instructed to be extra careful in dealing with residents.

●**Lorain, Ohio:** Police have dropped charges against a 9-year-old boy who was arrested after waving a toy gun in the air. The boy, Thomas Clark Jr., was arrested in Lorain when a passer-by saw the boy on a bench with the toy gun. The boy faced charges of inducing panic, possession of a deadly weapon and resisting arrest.

●**St. Louis, Missouri:** The Busch family, of Anheuser-Busch beer-making fame, has withdrawn its campaign support from Gov. Bob Holden for vetoing the concealed carry bill this year. The Busches are strong gun rights supporters.

Parting Shot

CRIME-STOPPERS

New Orleans isn't just the French Quarter, it's also got the Warehouse District, where things can get rough even among the gentrified office buildings.

A woman leaving her office there was walking to her car when Thorlief Thorbjornson, 42, confronted her, demanded her car and implied he had a weapon.

The woman reached into the car's console, pulled out a gun and shot the suspect twice in the torso. Thorbjornson was taken to Charity Hospital.

The victim was not charged with any offense, but the suspect will be charged with attempted carjacking upon his release from the hospital.

In Florida, Michael J. Thomas, 25, confronted two masked men breaking into his Dade City home. One of the intruders shot Thomas once in the abdomen, but he got his own handgun and fatally wounded Tyrone Lamar Davis, 24.

The other intruder escaped and is still at large. Thomas was taken to a local hospital in good condition.

Houston has a man behind bars and another in a hospital after their attempt to steal two cases of beer from a north Houston convenience store.

A female clerk working at a Mobil Mart off Interstate 45 saw two men walk into the store around 11 p.m. one night and head straight to the beer section. They attempted to leave without paying, and the woman yelled at them to stop.

One of the men turned and said it was a robbery: "Don't anybody move or we'll kill you."

The clerk reached behind her counter, picked up her gun and fired it, hitting one of the men in the head. The man hit by the bullet managed to get outside the store where he fell to the ground near the store entrance.

The other man stopped and was arrested by officers a few minutes later.

In Jackson, Mississippi, homeowner Tommy Christian, 53, heard someone breaking into his back door at about 3:30 a.m. one recent night. Christian found the intruder and shot him twice, once in the abdomen and once in the leg.

The dead man was identified by police as Christopher Stiff, 31.

Stiff had an extensive criminal history with the Jackson Police Department. Police spokesman Robert Graham said, "Stiff has been arrested numerous times by police, including on charges of business burglary, domestic violence, possession of narcotics, simple assault and aggravated assault."

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