

# The Gottlieb-Tartaro Report

## THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Just before the holiday recess, **Congress handed the gun control lobby a rare and hollow victory**: it passed an extension of an existing ban on **nonexistent undetectable plastic firearms**. Pro-gun groups hardly bothered to fight it.

JOE WALDRON, executive director of the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), said "That law was written to address something that never existed."

WAYNE LaPIERRE, National Rifle Association head, said, "We have no interest in undetectable firearms."

President BUSH signed the bill with no fanfare.

This trivial measure shows **how much the political landscape has changed**: it went from campaigns to ban so-called "assault" rifles and for longer gun purchase waiting periods to **today's Congress, which is taking steps to improve purchase regulations and limit gunmakers' liability**.

Gun control advocates say the changes come from a more **gun-friendly BUSH administration** working with the NRA and CCRKBA.

TONY ORZA of the Brady Campaign to Prevent Gun Violence, highlights his group's **legislative weakness**: "A lot should be done, but **when you have that kind of cooperation between the BUSH administration and the gun lobby, it's difficult**."

However, organizations including CCRKBA and the Second Amendment Foundation say the shift shows that **common sense has won out**.

For example, the U.S. House of Representatives easily passed the Omnibus appropriations bill with its provision that **Brady background records on gun sales will be destroyed within 24 hours**, ignoring pleas from the Brady Campaign and the ridiculously misnamed Million Mom March (which has trouble mustering even a few thousand for its "big" marches).

The Brady Bill was originally intended to keep **National Instant Criminal Background Check System (NICS)** records for only a short time, but the FBI kept them longer and longer.

The Omnibus appropriations bill contains many provisions **to correct the anti-gun bias of previous administrations**. Gun control groups are lobbying to strip pro-gun language from the Senate version.

Also, anti-gun Rep. CAROLYN McCARTHY (D-NY) is having trouble extending the **1994 assault weapons' ban** that outlawed mostly non-military rifles. The ban will expire in September unless Congress reauthorizes it. Anti-gun advocates gripe that it's not even on the Congressional radar screen, and nothing is being done.

**Instead, Congress is more focused on stopping terrorist attacks**. CCRKBA's Public Affairs Director JOHN MICHAEL SNYDER commended President BUSH for signing into law H.R. 2115, the Vision 100 Century of Aviation Reauthorization Act, which contains a measure to **arm cargo pilots against terrorism**.

The Act **closes a loophole in the law** which only allowed passenger pilots to carry guns in the cockpit (if they volunteer for a federal program which includes a week of specialized training).

U.S. pilot groups believe the 2003 holiday security alert shows that **not enough pilots have been trained to carry firearms in the cockpit**, and the Transportation Security Administration (TSA) needs to **accelerate the training process**. **Also in this issue:** ● *Uzi out of combat* ● *Florida gun ranges may avoid enviro rules* ● *SAF files big bias lawsuit in California* ● *Three state Supreme Courts to hear concealed carry cases* ● *Movie armories under pressure* ● *Intruder shooting examined in our Page Eight 'Parting Shot'*

**FEDERAL  
LEGISLATION**

### AUSTRALIAN GUN CONTROL

**Melbourne:** Citizens of the Australian state of Victoria have turned in nearly 14,500 handguns during a buy-back scheme in 2003.

The August-to-December program cost taxpayers \$15.5 million Australian dollars, said Victoria Police Superintendent DAVID DETTMAN.

Police Minister ANDRE HAERMEYER admitted that the buy-back scheme would have little effect on crime. "Look at the number of handguns coming into this country illegally and going into the hands of criminals," he said.

**Sydney:** National Coalition for Gun Control chairwoman SAMANTHA LEE says handguns need to be completely removed from the community.

As justification for the extremist stand, LEE noted the use of a stolen Glock pistol in a recent gunfight at a Sydney parking garage. She says that the incident shows legal handguns can easily become illegal guns.

Her solution is to take all the legal handguns away from their owners so they can't become illegal.

**AROUND  
THE WORLD**

### SOUTH AFRICA LAW READY TO TAKE EFFECT

**Pretoria:** In March, South Africa's Law on Firearm Control will come into effect, requiring gun owners to reapply for licenses every five years.

They will also need to be accredited by training centers – or be trained – in order to insure they are responsible enough to own a weapon under the new law.

New applicants will also have to give reasons for wanting a firearm and get police clearance.

No one with family violence, drug- or alcohol-related convictions would be allowed to own a firearm.

### ISRAELI ARMY PHASING OUT UZI SUBMACHINE GUN

**Jerusalem:** Israel's military is replacing the legendary Uzi submachine gun with more sophisticated, electronics-outfitted weaponry, an army spokesman has announced.

But the Uzi, a national icon and the country's most famous contribution to the firearms industry, will still be produced and exported.

The Israeli army took the Uzi out of front line units 20 years ago, but issued it to certain elite units for light-weight self defense. Now the army says it will dump it altogether.

### BRAZIL'S CONGRESS APPROVES GUN CONTROL

**Brasilia:** Brazil's Congress has passed the toughest gun law in South America, raising the minimum age for gun ownership to 25 from 21, severely restricting the carrying of handguns in public and requiring background checks of potential gun buyers.

The new law makes cross-border gun-running a felony and calls for a referendum on October 2, 2005, to determine whether to ban handgun sales in Brazil.

The campaign against the anti-gun referendum is being led by Forjas Taurus, parent company of Miami-based gunmaker Taurus USA. Forjas Taurus is one of the world's largest gunmakers, but has so far said nothing about the campaign.

Brazil's murder rate is the world's highest for a country not at war, says the World Health Organization, but the new law is unlikely to reduce it. It's the old story: only the law-abiding obey the law. Criminals don't.

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### FLORIDA BILL WOULD EXEMPT GUN RANGES FROM ENVIRONMENTAL LAWS

A measure moving quickly through the Florida legislature would **protect gun ranges in the state from pollution claims**. There are more than 400 gun ranges throughout Florida.

Zealous environmentalists want to close gun ranges with accusations of **lead poisoning** that "could" contaminate the ground and nearby bodies of water. **Regulators can now force gun ranges into ruinously expensive cleanups with no evidence of actual pollution.**

The bill was passed by Florida's House of Representatives Judiciary Committee. It will move to the full House in March.

**IN THE STATES**

### NEBRASKA COLLEGE STUDENT PROPOSES CONCEALED-CARRY BALLOT MEASURE

Lance Vejvoda, 19, has started an initiative drive aimed at **letting Nebraskans carry concealed weapons** if they pass a permit process. Vejvoda, a political science student at Nebraska Wesleyan University, needs about 78,000 signatures from registered voters by July 2 to qualify for the state ballot.

### UTAH CHURCHES DEFY STATE, WILL BAN GUNS

Leaders of Episcopal, Catholic, Jewish, Lutheran, Presbyterian and other Utah religious bodies have announced **they will not obey a new state law** requiring them to register with the state Bureau of Criminal Identification **if they ban guns from their houses of worship.**

The law also requires churches that ban guns to post their addresses on their websites. Only three had done so early this year. Defiant churches that post a "no guns" sign on their buildings will probably be regarded as in compliance.

### COLORADO TOWN BANS OPEN CARRY, BUT OBEYS STATE PREEMPTION LAW

Despite new statewide gun laws, Siverthorne, Colorado, has **passed a law prohibiting civilians from openly carrying guns onto town property**. Police and concealed carry permittees are exempt.

Under Senate Bill 25, which made concealed carry regulation uniform state-wide, applicants over 21 with certified handgun training will receive permits except in extreme cases such as a history of mental illness.

But **the new law does not stop local authorities from regulating open carry.** Siverthorne joined Breckenridge and Lakewood in banning open carry on town land.

### OREGON SHOOTING PROMPTS NEW RULEMAKING FOR CARE CENTERS

After a jealous resident of Alpine Court Memory Care Community in Eugene, Oregon, shot his wife and another man to death and then committed suicide, **top officials are considering banning firearms from the state's 2,392 senior care facilities.** Cynthia Hannum, administrator of the state's Office of Licensing and Quality Care in the Department of Human Services, said she will file **proposed new rules** with the secretary of state for a hearing. If unchallenged, the gun ban will go into effect in about three months.

### OHIO GOVERNOR HAS CONCEALED CARRY BILL ON HIS DESK

Gov. Bob Taft said his office is negotiating with the Ohio House in a last-ditch effort to **avoid a veto** of legislation that would give **law-abiding Ohioans the right to carry concealed handguns.** "I would hope that we could get this resolved as soon as the legislature comes back in January," Taft said in a year-end interview at the governor's residence in suburban Bexley.

### DELAWARE NO. 1 IN GUN-BUY REJECTION RATE

In **Sarah Brady's** home state of Delaware, where **she bought a rifle for her son**, the **rejection rate for purchasers failing gun buyer background checks is higher than any other state**, says the federal Bureau of Justice Statistics. Delaware's rejection rate was 4.3 percent, while the national rate was 1.7 percent. Gun dealers say rejections are often in error from faulty data.

### BIAS CHARGED IN CALIFORNIA GUN PERMIT LAWSUIT

The Second Amendment Foundation (SAF) and the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) have **filed a lawsuit** to prevent the California Department of Justice (DOJ) from destroying critical data that may show **many sheriffs and police agencies discriminate in the way they issue concealed pistol licenses.**

**ON THE  
LEGAL FRONT**

SAF and CCRKBA sued for a temporary restraining order against Attorney General Bill Lockyer and DOJ Director Randy Rossi and their agencies. **The two organizations want to prevent destruction of records** under the guidelines of AB 1044, **a new law that allows the state to destroy permit applications.**

A SAF statement said the permit applications, which are now kept indefinitely, but guarded from public scrutiny by the Privacy Act, may be **the only evidence citizens have to prove they have been victims of ethnic and gender discrimination** in obtaining concealed pistol licenses.

Joe Waldron, CCRKBA executive director, said his organization lobbied against the new law months ago because gun rights activists warned them of a pattern of discrimination. **There may be entire communities with high minority populations that have been completely red-lined by local sheriffs for blanket non-issue of permits,** he said.

A temporary restraining order would allow the court time to review the lawsuit's request for a permanent order. Waldron said, **"We would like to see AB 1044 overturned** in favor of a law protecting the equal rights of all California gun permit applicants, **regardless of race or gender."**

### INDIANA HIGH COURT ALLOWS CITY'S ANTI-GUN LAWSUIT TO PROCEED

The Indiana Supreme Court has ruled 5-0 that **the City of Gary can sue gun manufacturers, wholesalers and distributors** over allegations that they sold handguns they knew were **likely to end up in the hands of criminals.**

The high court also ruled that the northwestern Indiana city can pursue its claim that **handguns sold without safety devices such as gun locks are negligently designed.**

The ruling clears Gary's way for a trial in Lake Superior Court **unless Congress votes to ban lawsuits against the gun industry** by municipalities and shooting victims. The U.S House voted 285-140 last April 9 in favor of a sweeping ban on gun lawsuits. Similar legislation, S. 659, is pending before the Senate.

Lawrence G. Keane, vice president and general counsel of the National Shooting Sports Association, said, "It is critically important that the U.S. Senate pass S. 659 to protect law-abiding businesses from junk lawsuits like Gary's."

The Senate is expected to take up the bill, known as the Protection of Lawful Commerce in Arms Act, early this year.

### CALIFORNIA JURY SPLIT IN HANDGUN CASE

**The second trial in a \$10 million lawsuit against gunmaker Beretta USA has ended in a mistrial.**

The first trial after the 1994 death of Griffin "Kenzo" Dix **also ended in a hung jury**, but the boy's parents, Griffin and Lynn Dix vowed to keep trying to get that \$10 million.

The couple again argued unsuccessfully that the design of the pistol contributed to their son's death when Michael Soe shot Dix through the heart while the two were playing with the gun belonging to Soe's father, Clarence Soe.

The teenager told authorities **he thought the gun was unloaded** because he had replaced a loaded magazine with one that contained no bullets. But, as any shooter would suspect, **a single bullet remained in the chamber.** The young Soe said he didn't know the pistol was equipped with an indicator that a bullet was in the chamber.

Walnut Creek attorney Craig Livingston, representing Beretta, said he is confident he can successfully defend his client if a third trial is held.

### MISSOURI JUDGE KEEPS CONCEALED CARRY LAW ON HOLD

Missouri Circuit Judge Steven Ohmer left intact his ruling that **the state's newly passed concealed carry law is unconstitutional**, leaving it on hold at least until the state Supreme Court takes up the case on January 22.

## **ON THE LEGAL FRONT**

**The Legislature narrowly overrode Gov. Bob Holden's veto of the bill**, but opponents filed suit claiming that it violated the spending-limit "Hancock Amendment" because the Legislature failed to appropriate money for its implementation.

Ohmer ruled that the new law was unconstitutional, **but not on grounds of the Hancock Amendment**. He **refused to release the \$250,000 bond** he required opponents to post to make effective his injunction blocking the law's enforcement.

Ohmer said the case turns on the meaning of the state constitution's clause saying the right to have guns "shall not be questioned; but this shall not justify the wearing of concealed weapons." The Missouri Supreme Court will take up the case January 22.

### NEW MEXICO SUPREME COURT TO HEAR CONCEALED CARRY CASE

In a case similar to Missouri's, **the New Mexico Supreme Court has decided to hear arguments this month in a challenge to the state's new concealed carry law**.

An anti-gun group and a doctor sued last November, alleging that a clause in the state constitution, "...but nothing herein shall be held to permit the carrying of concealed weapons," prevented the new law from being enforced.

Attorney General Patricia Madrid noted that **the provision does not express a constitutional right to carry concealed weapons, but it does not prohibit the state from allowing it**. She filed papers saying the challenge should be dismissed.

### RHODE ISLAND SUPREME COURT HEARS CONCEALED CARRY CASE

**The Supreme Court of Rhode Island** has taken up the case of two men who allege they were **denied constitutionally mandated due process** when the department of the Attorney General **denied their applications for a concealed carry permit** because they had "insufficient need."

The case was brought by Charles H. Mosby Jr. and Steven Golotto, who were denied permits in 1999 **without any administrative procedure available for appeal**. Both are businessmen who carry large sums of money and worry about robberies.

Assistant Attorney General Thomas A. Palombo told the court that there was **no constitutional right to carry a concealable weapon, and therefore no due process rights to a hearing**.

Gun owners say there should be. This is a key question to be decided.

Chief Justice Frank J. Williams said the high court agreed to have a "full briefing" and arguments on the case "because of the importance of the issue."

### MINNESOTA JUDGE DENIES MOTION TO MOVE ANTI-GUN LAWSUIT

Ramsey County, Minnesota Judge John Finly has denied the state's request to move to Hennepin County District Court in Minneapolis **a challenge by 27 church groups of a state law that prevents them from banning guns from their parking lots and rental facilities**. Other church groups have a suit there that the state wants consolidated with the Ramsey County case.

The Ramsey County case, however, raises an issue the Minneapolis case does not: the gun law was included in a natural resource department law, allegedly violating the state constitution's requirement that bills address only one issue.

### HOMEMADE MACHINE-GUN MAKER WANTS TO WITHDRAW GUILTY PLEA

Mark Lancaster, **who built machine guns from parts**, wants to **withdraw his guilty plea** to illegal possession of unregistered machine guns because a federal appellate court has held that the U.S. ban does not apply to homemade versions of the automatic weapons. Lancaster does not deny he made his own guns, but **the appeals court ruling could also apply to his case**.

## DEMOCRATS SEEK NEW SUPPORT ON GUN ISSUES

The thinly-disguised anti-gun lobbying group Americans for Gun Safety (AGS) is strategizing with the Democratic Leadership Council to neutralize gun owners in the political arena.

### **POLITICS 101**

AGS spokeswoman Deborah Barron said, "Silence on the gun issue is not golden, it's deadly." But does she mean that politicians should express their real intent to ban guns? Not a chance.

**The new strategy is to neutralize the gun issue by embracing the constitutional right to bear arms, speak of gun safety instead of gun control, and pledge to enforce the gun laws on the books.**

Why the pretty face for ugly intentions? It's a lesson learned from polling. In an October poll conducted for AGS, **63 percent of gun owners said they believe Democrat officeholders want to ban all guns, and 59 percent said Democrats do not respect the rights or values of gun owners.**

With 47 percent of US voting households owning one or more guns, you can see why the Dems are scared of saying what they really believe.

## PRESIDENTIAL CAMPAIGNS: CLARK OPPOSES CONCEALED CARRY LAWS

Democratic presidential hopeful **Wesley Clark** recently went to Wisconsin and said **he opposes concealed carry laws** like the one Wisconsin legislators passed last year.

The retired four-star general from Little Rock, AR said he doesn't think people need concealed weapons for self-defense.

"If we need protection, we need other means of protection than concealed weapons," Clark told a town hall meeting of about 350 people at the University of Wisconsin-Green Bay.

**Gov. Jim Doyle, also a Democrat, vetoed a concealed carry bill passed by the Republican-controlled Legislature.**

## MARYLAND STATE LEGISLATOR THINKS HE'S A TARGET FOR DEFEAT

House Delegate **Neil F. Quinter** of Howard County, Maryland, claims **Republicans are out to defeat him in 2006 because of his gun-control views.**

The average person would think Republicans are out to defeat him because he's a Democrat, but Quinter recently told a fund-raising crowd it's because **he is a lead sponsor of legislation to ban so-called assault weapons in Maryland.**

However, key Republican party officials don't even know who he is, and some think **he's parading his anti-gun views to raise his Democratic Party visibility.**

State Republican Chairman John Kane said, "I wouldn't know the guy if I bumped into him on a sidewalk," adding that he doesn't think Quinter's name is on any "target list."

## PRESIDENTIAL CAMPAIGNS: KERRY ASKS FEC TO CLOG NRA CHANNEL

Democrat presidential hopeful **John Kerry** wants the Federal Election Commission to block any attempt by the National Rifle Association to get a media exemption to campaign finance rules.

The Massachusetts senator discovered that the **NRA is considering acquiring a television or radio outlet and seeking the same exemption from campaign finance rules that news organizations have.** Kerry says the new campaign law bans the NRA from running ads identifying federal candidates close to elections.

The NRA is among several groups asking the Supreme Court to strike down the new law as violating free-speech rights.

## NRA ENDORSES RE-ELECTION OF NEVADA SEN. HARRY REID

Democrat Sen. **Harry Reid** of Nevada has picked up the endorsement of the NRA's political action committee. Reid said, "My legislative record in the United States Senate reflects my dedication to representing the views of Nevadans when it comes to responsible gun ownership and it is gratifying the NRA has recognized my efforts." Reid is the second-ranking Democrat in the Senate.

**GUN NEWS TICKER - QUICK TAKES ON THE NEWS**

● **Washington, D.C.:** Four inmates were shot in the District of Columbia jail by a fellow prisoner who obtained a gun by unknown means. Officials say Swiss Army knives, steak knives, saw blades and even a 22-inch machete have been smuggled inside. Three of the four inmates shot are back behind bars. The one remaining in medical treatment is expected to recover.

● **New York City:** Despite National Football League policy that discourages gun ownership and prohibits players from bringing guns to team facilities, retired offensive tackle Lomas Brown says that toward the end of his 19 years in the NFL, he saw guns everywhere, in players' homes, in cars in the parking lot, in locker rooms. "Almost every player I knew had a gun," Lomas said.

● **Glasgow, Scotland:** New Zealand opera star Kiri Te Kanawa, who commands around \$75,000 per performance, shocked her Glasgow Holiday Inn receptionist when she asked the location of the gun store. The 59-year-old soprano satisfies her Maori blood every year with a spot of hunting in the Scottish Highlands. An expert clay-pigeon shot, she frequently travels with her sporting guns.

● **Geuda Springs, Kansas:** Mayor Ed Lacey has vetoed the town council's plan to require most homeowners to own guns. The council voted 3-2 to require the heads of most households to own a gun and ammunition or face a \$10 fine. The county sheriff said the ordinance could endanger his officers. Supporters of the ordinance said the town has no local police force, so the citizens needed gun for civic protection.

● **Yorkshire, England:** Supermodel Elle Macpherson has dismayed animal rights campaigners by paying out some \$500,000 on one of England's finest hunting and shooting estates, the 6,070 hectare Mulgrave Estate on the North Yorkshire moors. Her partner, Swiss-born financier Arkie Busson, has also plowed piles of money into improving the estate into a prime shooting venue worth \$12,000 for a day's hunting to well-heeled customers. Macpherson is said to be a respectable shot.

● **San Francisco:** San Mateo County Supervisor Mike Nevin has introduced a resolution urging the California Legislature to stop firearms sales at the state-owned Cow Palace in Daly City. He was prompted by a rash of violence including three recent murders in the Bayview-Hunters Point district. Nevin said, "That's a neighborhood where a gun show is absolutely the wrong message." The district is substantially black. Think that's racism?

● **Hastings, Nebraska:** The Armstrong-McDonald Foundation of Cortaro, Arizona, has given a \$58,100 grant to the Hastings Museum for a new gun exhibit, "Protect, Provision and Power: The History of Weapons that Shaped History." The exhibit will follow the impact of guns through history, from the protection they provided on the plains to the military superiority they gave others who settled the United States.

● **Miami:** Rapper Trick Daddy, who avoided prison by pleading guilty to cocaine and weapons charges, will make 24 free appearances to talk to high school students about the dangers of guns, AIDS, drugs and violence. The artist, whose real name is Maurice Young, will speak at high schools in troubled neighborhoods, remain on three years' supervised probation and attend an anger control course.

● **Salt Lake City:** The Utah Shooting Sports Council is trying to get a new word, "hoplophobia" into the local vernacular as well as the gun rights debate. Author Jeff Cooper coined the word about 20 years ago, combining the Greek words "hoplon" for weapon and "phobos" for terror, to mean "having an irrational fear of guns." The word irritates anti-gun advocates. Maybe it'll catch on.

● **Hollywood:** Entertainment armories--providers of weapons to movie makers--are losing billions of dollars a year because U.S. anti-gun regulations are so prohibitive they're driving production companies overseas to film big American war films. The Entertainment Armories Association has been formed to seek special exemptions to the National Firearms Act.

# Parting Shot

## INTRUDER, SHOOTER, GUN BAN

It was not an unusual story of a homeowner shooting an intruder. Not at first, anyway.

Hale DeMar, 54, of Wilmette, Illinois, was tucking his two children, ages 8 and 10, into bed when he heard the home's security alarm go off.

He armed himself with a gun and went down to the kitchen where he saw a masked figure. He fired once. The person advanced in his direction. He fired again.

The intruder passed him, went into the living room and tried to break out the window. It took a couple of tries.

The intruder leaped out, stole the family's sport-utility vehicle and drove himself to St. Francis Hospital.

Identified as Morio Billings, 31, of Chicago, he remained in the hospital after surgery for gunshot wounds to the left shoulder and left calf.

Cook County Circuit Judge Garritt Howard ordered Billings held without bail until he is able to appear in court.

The Cook County state's attorney's office ruled that DeMar acted in self-defense when he fired at the man in his kitchen, and would not be charged with any offense.

So far, so good. Everything's reasonable and proper.

Then it got weird: Wilmette police said they were not sure whether DeMar would be cited for violating a local ordinance banning handguns. A conviction could carry a fine of up to \$750.

Then Wilmette Village Trustees got hold of the issue, the people who passed the handgun ban, among the most anti-gun people in America.

But the incident is one of an increasing number of burglaries in Wilmette.

And the Village Trustees did something really weird: they got more reasonable.

Trustee Beth Lambrecht said the firearms ban will be discussed at a future Village Board meeting. She even said it might be reconsidered. Imagine that.

Another trustee said he didn't think the incident would lead to a change in the handgun ban.

"It wouldn't from my viewpoint," said Trustee James Griffith. "But I'm glad the guy had a gun."

Imagine that.

No word yet on whether DeMar will be fined.

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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