

# The Gottlieb-Tartaro Report

## THE INSIDERS GUIDE FOR GUN OWNERS

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Issue 114  
June, 2004

Dear Subscriber,

**Gun control may become a big issue** in the fall elections, as Congress decides whether to **reauthorize the federal assault weapons ban**. The law banned 19 models of firearms.

The 10-year ban **expires this September**, and advocates for and against renewal are closely watching lawmakers and the White House.

**The National Rifle Association is not expected to make any political endorsements**, including for president, until after the September 13 date when the law expires.

"Of course we're watching to see how this issue is handled on Capitol Hill" said CHRIS COX, NRA chief lobbyist.

The bill's fate may rest in the hands of powerful lawmakers such as House Majority Leader TOM DeLAY (R-TX), who has suggested that **House Republicans may let the measure expire**.

"Clearly the votes are not there in the House to pass the bill," said DeLAY spokesman STUART ROY. However, **the ban is supported by a majority of senators**.

**Lawmakers are waiting to see if the White House exerts pressure to pass the bill**. Even though he was a strong backer of gun rights when he was governor of Texas, GEORGE W. BUSH **endorsed the assault weapons ban** during the last presidential campaign.

**It makes no sense for assault weapons to be around our society**, Bush said in August 1999, in response to a shooting at a Jewish Community Center in Los Angeles.

Since assuming office, **BUSH has been largely silent on gun control issues**. JOHN FEEHERY, a spokesman for House Speaker DENNIS HASTERT (R-IL), said any effort by the White House to have the assault weapons ban considered was "not on our radar screen."

Democrat presidential hopeful **Sen. JOHN KERRY has backed the assault weapons ban** and recently returned to the Senate to vote for an amendment that renewed the measure.

The ban amendment was tacked to a bill that would **bar civil lawsuits against gun manufacturers**. While the NRA backed the lawsuit provision, it successfully lobbied to kill the entire bill because it did not want the assault weapons ban.

COX said **there is not a snowball's chance that the NRA will endorse KERRY** because of his long record of supporting gun control measures.

But, if the NRA is displeased with both presidential contenders, COX said, **not endorsing is always an option**.

That was the route the gun group took in the 1992 and 1996 elections.

**In 2000, the NRA endorsed BUSH** and spent more than \$2 million promoting his presidential bid, despite his backing of the assault weapons ban.

COX said BUSH was preferable to Democrat AL GORE, who had been a strong gun control advocate. Some experts maintain that **the NRA endorsement cost GORE crucial votes** in a number of Southern swing states, such as Arkansas, Tennessee and West Virginia.

**Opposition to gun control** is part of the general social conservatism in the South that has hurt Democrats there recently, said EARL BLACK, a professor of political science at Rice University.

**Also in this issue:** ● NYC lawyers can see U.S. firearms data ● Brits rethinking their gun ban? ● Illinois self-defense bill passes ● South Carolina lifts gun purchase cap ● Detroit most violent city ● SAF blasts elitist Chicago Alderman in our Page Eight *Parting Shot*

**ON THE  
FEDERAL  
LEVEL**

### FEDERAL AGENCY SETTLES LAWSUIT AGAINST DAISY

The Consumer Product Safety Commission has agreed to a **settlement with Daisy Manufacturing Co.**, maker of air-powered BB guns, in a lawsuit over complaints of misfirings. The CPSC suit alleged that Daisy PowerLine Models 856 and 880 **were responsible for at least 15 deaths and 171 injuries.**

Chairman HAROLD STRATTON Jr. accepted Daisy's offer for a \$1.5 million publicity and labeling campaign to promote safer use of its products. Administrative Law Judge WILLIAM MORAN **strongly criticized the offer**, calling it "empty." But STRATTON said the lawsuit was **"burdensome and inefficient"** and would have led to "years of costly litigation."

**ON THE  
LEGAL FRONT**

### OHIO MAN SUES TO ENFORCE NEW CONCEALED CARRY LAW

When Cuyahoga County, Ohio, Sheriff GERALD McFAUL refused to accept resident JIM IRVINE's concealed carry application in April, saying his office wouldn't take applications for several months, **IRVINE sued to enforce the state's new law.**

IRVINE filed a complaint for a writ of mandamus with the Ohio Supreme Court, supported by **Ohioans for Concealed Carry, Inc.** The Cuyahoga County Prosecutor's office and Sheriff McFAUL gave in and accepted IRVINE's application and agreed to pay court costs and attorney's fees.

In other Ohio news, Mount Lookout architect WILLIAM J. MILLER convinced the state Attorney General's office to look into the legality of sheriffs departments **requiring Social Security numbers from applicants of concealed firearm permits.** Lawyers are investigating the question.

### GUN GROUPS SUE NEW YORK OVER BALLISTIC 'FINGERPRINT' SYSTEM

The Shooters' Committee on Political Education (SCOPE) and two other groups have filed suit in federal court to overturn a New York law that created the Combined Ballistic Identification System (CoBIS), which requires that most new handguns sold in the state be test fired so the state can file specific ballistics information into a database.

The suit alleges that **CoBIS has cost more than \$12 million and inot one crime has been solved using the system.**

### NEW YORK CITY WINS RIGHT OF U.S. FIREARMS DATA

Anti-gun New York City lawyers have won a federal magistrate ruling that **the city is entitled to federal data that traces the path of guns used in crimes.**

The data could be used by the city to make a case that the gun industry's marketing and distribution practices amount to a public nuisance.

### WEST VIRGINIA GUN SHOP SETTLES SHOOTING LAWSUIT

The Chief's Place, a gun shop in Winfield, West Virginia, **has agreed to pay \$2 million to the widow of a grocery store clerk** who was shot and killed in August 2002.

Heidi Shawn Doss will receive the payment to resolve her complaint that the gun shop sold the murder weapon to Frank Adkins II, who is being held on first-degree murder charges, despite knowing that he told the gun shop he had been treated for mental illness and therefore prohibited from purchasing firearms.

Adkins, 33, has a long history of mental illness.

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### PENTAGON'S CIVILIAN EMPLOYEES IN IRAQ ARMING THEMSELVES

Some of the 975 U.S. Defense Department's civilian employees in Iraq **are buying firearms to protect themselves**, according to a report by MSNBC. The move was said to be mostly inside Baghdad's heavily protected Green Zone, where the Coalition Provisional Authority is housed.

The so-called "emergency essential" federal employees reported to be buying guns **are permitted to carry weapons** when deployed in combat or crisis zones such as Iraq.

## AROUND THE WORLD

### SWISS SOLDIERS WILL KEEP RIFLES AT HOME

Despite the use of an army-issue rifle in a **massacre in a local Swiss parliament in 2001**, the defense ministry says it will maintain the practice.

**About 500,000 Swiss keep a rifle at home**, because the militia system requires men over 20 to be ready for military service.

The defense ministry said, "Everybody who has served in the army is allowed to keep their personal weapon, even after the end of their military service." The statement came because of reports of proposed restrictions on home-stored weapons.

### ARMED ISRAELI CITIZENS HELP CURB TERRORISTS

Israel's police spokesman Gil Kleiman says that **citizens who carry their own guns are helping to curb the damage terrorists can inflict** by being able to stop a terrorist situation. "We've seen it time and time again," said Kleiman. "Armed civilians who are well trained can save people's lives. If there isn't a policeman, civilians can deal immediately with a terrorist."

A gun license in Israel requires the applicant to be a civil guard, a driver responsible for transporting the public (bus, tour bus or taxi driver), someone who transports explosives, a hunter, or the owner of a business holding valuable items.

### BRITS RETHINKING THEIR GUN BAN?

Observing **the criminal use of handguns double since the Labor Party banned them in 1977** after a school massacre, Conservative Party spokesman James Paice said the Tories wanted the law reviewed. The Conservatives don't have a plan to repeal the law, although the idea has not been ruled out.

Paice said, "The Conservative Party are committed to carrying out a review of firearms with a view to consolidation and simplification rather than penalizing the lawful sporting user."

Thomas Hamilton, who murdered 16 children and their teacher at Dunblane Primary school in 1994, used guns that were legally held. The Liberal Party response was to make legal guns illegal.

Now, only outlaws have guns, and they're using them in twice the number of crimes as before the ban.

### CANADA TRIES DAMAGE CONTROL FOR ITS FAILING GUN REGISTRY

With the huge public outcry against gigantic costs overruns of the national gun registry, Ottawa **dropped registration and transfer fees and toughened penalties for crimes committed with guns**.

Deputy Prime Minister Anne McLellan, who is also public security minister, also **capped the registry's annual cost to taxpayers at \$25 million**, in a feeble attempt to soothe citizen complaints that the registry had cost overruns of about \$1 billion by 2005. It was supposed to cost only \$2 million.

The government damage control effort is not working. A poll commissioned by Conservative MP Garry Breitkreuz found that a majority of Canadians of all political stripes firmly believe **the federal government could fight crime better by scrapping its controversial gun registry** and putting the money into other law enforcement priorities.

"The Liberals are living in their own gun-control dreamland," Breitkreuz said when he released the poll results.

### ARIZONA SENATE REJECTS GUNS IN BARS AND RESTAURANTS

Senators killed bill that would have allowed patrons to carry guns in bars, nightclubs and restaurants that serve alcohol. Senate Bill 1210 failed despite intense lobbying by gun rights advocates.

Supporters said criminals already bring guns into bars, but law-abiding citizens are helpless to defend themselves.

Several Republicans who voted against the bill said they support gun rights, but that bar, restaurant and resort owners in their districts did not want the new law.

**AT THE  
STATE  
LEVEL**

### CALIFORNIA'S COW PALACE GUN BAN BILL PASSES THE SENATE

The California Senate has voted 21-13, the bare minimum vote necessary, to approve SB 1733, a bill that blocks the sale of firearms at the Cow Palace, a popular gun show venue in Daly City near San Francisco.

The bill, sponsored by State Sen. Jackie Speir (D-Hillsborough), must now be passed by the Assembly before being sent to the governor's desk. Gov. Arnold Schwarzenegger has not taken a position on the bill.

### SAN DIEGO LAWMAKER WANTS MANSLAUGHTER PENALTY EASED FOR COPS

California Assemblyman Jay La Suer (R-La Mesa) has filed a bill to exempt law enforcement officers from a law that requires increased prison time for those who use a firearm while committing a crime, even for law officers convicted of involuntary manslaughter for killing an innocent person in the line of duty.

The bill would exempt police officers and others "acting in good faith and in the performance of his or her duties." La Suer is a 31-year veteran of the San Diego County Sheriff's Department.

### GUN GROUP CRITICIZES CALIFORNIA SENATE FOR THUMBPRINT BULLET BILL

Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, has condemned a bill passed by the California Senate that would require ammunition buyers to provide personal information and a thumb print when the purchase is made, calling it "an insidious invasion of privacy."

The bill requires that "all vendors of ammunition maintain specified information" including the amount of ammunition bought and the buyer's thumb print.

Waldron pointed out that keeping records on ammunition sales has proven ineffective in fighting crime. If the measure becomes state law, said Waldron, "it would be yet another example of how California lawmakers treat honest gun owners like criminals."

### FLORIDA GOVERNOR SIGNS GUN OWNER BILL

Gov. Jeb Bush has signed bills that ban police from keeping comprehensive lists of law-abiding gun owners and give gun range owners immunity from questionable environmentalist lawsuits.

Under the new gun law, police and government agencies could be fined \$5 million if they keep a list of people who own firearms, but it doesn't apply to lists created as part of a criminal investigation.

The gun range bill arose out of an environmentalist lawsuit to force a gun range to remove lead from old ammunition on their property, lead which "might" leach into groundwater, but had not caused any actual leaching.

### ILLINOIS SELF DEFENSE BILL PASSES

Ignoring a veto threat, Illinois lawmakers passed a bill to recognize the legal rights of gun owners who fire in self-defense. The bill arose from the case of Hale DeMar, who shot a burglar who had broken into his home twice and was then charged by Wilmette officials for breaking the town's handgun ban ordinance.

Gov. Rod Blagojevich promised to veto the measure if lawmakers approved it, but both the House and Senate passed it by large enough majorities to override a veto. Spokeswoman Rebecca Rausch said the governor still intends to veto the bill.

### LOUISIANA SENATE REJECTS GUN BAN FOR DOMESTIC VIOLENCE OFFENDERS

Worried that it might affect gun rights in a new way, the state Senate has turned away an effort to prevent those convicted of domestic violence from owning firearms.

**AT THE  
STATE  
LEVEL**

Supporters of the bill said it merely wrote into state law what is already a federal statute, and that local police won't make arrests for federal crimes.

Senators weren't convinced, and rose to object. The bill was tabled by a vote of 27-8.

### MARDI GRAS PARADE GUN BAN CONVERTED TO ANTI-CRIME BILL

A bill pushed by New Orleans Democrat Rep. Cedric Richmond to ban guns at Mardi Gras parades has been reworked to punish criminals, not law-abiding gun owners. Instead of banning guns at the parades, the new version of the bill stiffens penalties for persons committing crimes with illegally-held guns.

The revised bill provides an additional \$2,000 fine and one-year imprisonment for criminal suspects found to be carrying a gun illegally at a parade.

### MASSACHUSETTS SENATE VOTES TO EXTEND STATE'S ASSAULT WEAPONS BAN

The state Senate has voted to extend the Massachusetts ban on the sale or import of "military style" semi-automatic firearms.

Supporters said the bill is needed to keep the state prohibition even if Congress fails to renew a similar federal ban set to expire in September. The bill now heads to the House.

### MICHIGAN GOVERNOR SIGNS ANTIQUE GUN BILLS

Antique gun collectors don't need a license or safety inspection for their old firearms under a three-bill package signed into law by Gov. Jennifer Granholm.

Antique firearms remain subject to the same rules and background checks as shotguns or long rifles, but the new laws eliminate the need for a license or safety inspection for pistols made before 1898 and replicas of antiques that use black powder or obscure calibers.

### NEW HAMPSHIRE PROTECTS SHOOTING RANGES

Gov. Craig Benson has signed into law an exemption for shooting ranges from local regulation and neighbors' noise complaints. Benson praised the law as the most progressive in the nation.

New homes and residents have encroached on places where hunters and sport shooters practice, many of them operated by community fish and game clubs.

### SOUTH CAROLINA LIFTS GUN PURCHASE LIMIT

Gov. Mark Sanford has signed a law ending the limit on South Carolina gun purchases. People can now purchase more than one gun in a 30 day period.

South Carolina is the first state with such a cap to end it.

### PENNSYLVANIA GUN BILL RAISES CONTROVERSY

House Bill 2403 sets new rules on when a person under a "protection from abuse" order, or PFA, must relinquish his or her firearms. PFAs are issued when a judge believes an alleged victim of domestic abuse is in danger.

Gun Owners of America (GOA) has warned its members about the bill, which was passed out of the House Judiciary Committee unanimously. The bill contains provisions that *prohibit a jury trial* before sending a suspect to jail, said GOA.

### WASHINGTON STATE TO REPEAL CAPITOL GUN BAN

Two months after state lawmakers agreed to lease weapons-detectors to screen visitors to the Legislative Building, state officials are planning to repeal a rule that bans firearms inside the Capitol and on the Capitol Campus. The existing rule was considered unenforceable, said administrator Rob Fukai.

### EAST NASHVILLE STORE OWNER SHOOTS BACK AT ARMED ROBBER

A man walked into the Cahal Street Market and demanded money just after 5:00 pm on a recent Sunday. He started shooting at the elderly man and woman who own the store. A bullet hit the man in the arm and his wife started shooting back. The suspect took off. Metro Police searched for the suspect without success.

## **GUNS & SELF-DEFENSE**

### MEMPHIS PROSECUTORS WON'T CHARGE MAN WHO KILLED BURGLAR

Adam Greenberg, 21, convinced prosecutors he was in fear for his life when he fatally shot Daniel Randolph, 46, a burglar who had just stolen a compressor from a shed. Randolph had a lengthy record in several states, primarily in Missouri.

### LOUISIANA CARJACKING SUSPECT SHOT TO DEATH

Kyle Orgeron, 24, of Larose, Louisiana, was driving with his girlfriend back from Morgan City when they ran into a ditch. Two men helped them out and then asked for a ride. One of the men pulled a gun and tried to grab the car keys. Orgeron shot him in the chest and the second man ran away. No charges were filed.

### MINNESOTA INTRUDER SHOT FOR ATTACKING FORMER GIRLFRIEND

Jesus Arturo Velasquez, 20, drove to his former girlfriend Kimberly Nelson's apartment in Lawrenceville, Minnesota, and kicked in the front door. Nelson, 20, was living there with her new boyfriend, Celso Villa Lobos, 22. When Celso saw Velasquez coming toward Nelson, he shot the intruder four times. Velasquez was taken to Gwinnett Medical Center in critical condition. Villa Lobos will not face charges.

### NEW MEXICO HOMEOWNER SHOOTS INTRUDER

Andy Holduin was attempting to break into a southwest Albuquerque home when the homeowner, who was not identified by police, heard the noise and called police. He defended himself by shooting Holduin. Police found him bleeding and lying on the road. He was taken to University of New Mexico Hospital in serious condition.

### WEST VIRGINIA INTRUDERS HELD AT BAY WITH SHOTGUN

Jonathan Brent Lowe, 24 and Robert James Thrasher, 22, armed with a handgun and two wooden clubs, kicked in the door of a Morgantown, West Virginia home, then kicked in a locked bedroom door and demanded money from two victims. Another resident retrieved his shotgun and held the suspects at bay until police arrived. The suspects face armed robbery charges.

### TOLEDO ROBBER SHOT

Jose J. Custodia-Mota, 22, and Alberto Martinez, 32, attempted to rob Howard's Carryout in West Toledo. Custodia-Mota entered the store with a gun and demanded money. The clerk, Habib Howard, son of store-owner Herbie Howard, gave him money. Custodia-Mota opened the door to leave, Habib pulled out his gun, the robber turned and pointed his gun at him, and Habib fired, hitting the robber once in the leg and once in the shoulder. Custodia-Mota and his getaway driver Martinez, apprehended later, face charges of aggravated robbery.

### SAN ANTONIO HOMEOWNER SHOOTS BURGLAR

Michael Belcher owns a home in northeast San Antonio, Texas. He was inside asleep when he heard a window shatter and listened intently. Two burglars had mistakenly thought it was a vacant house and made their way through the house, eventually to the bedroom where Belcher awaited them with a large handgun. Belcher order them to remain still while he called police. One moved toward him and Belcher opened fire, causing the man to flee. It is unknown if he was hit. The other robber was arrested and taken to jail. No charges will be filed against the homeowner.

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

● **Cincinnati, Ohio:** The City Council has endorsed a state ban on so-called "assault weapons" and will also lobby Congress to extend the decade-old federal ban on semi-automatic rifles. The council's resolution is not binding and has no authority over state law.

● **New York City:** City Council member David Yassky, an author of the Brady Bill and the "Assault Weapons" Ban, has proposed a city ordinance he calls the "Gun Industry Responsibility Act" (GIRA) that would make firearms manufacturers and dealers liable for third-parties that commit crimes with their guns. Under GIRA, any shooting victim in New York State who is injured or killed by a criminal using an illegal gun could sue the gun's manufacturer or dealer.

● **Edina, Minnesota:** Alliant Techsystems Inc., the U.S. Army's sole supplier of bullets, said it can't keep up with demand that is rising to its highest level since the Vietnam war and the United States fights terrorism and conflicts in Iraq and Afghanistan. The service wants 2 billion cartridges and Alliant will make 1.2 billion. The Army is looking for a second source.

● **Artesia, New Mexico:** Cargo jet pilots who pass the rigorous Transportation Security Administration course in this desert town will become federal flight deck officers (FFDOs) and will be authorized to use deadly force to protect the cockpit if necessary. Cargo pilots must pay for their own class and expenses.

● **Irvine, California:** Costco CEO Jim Sinegal had everything checked thoroughly after Olivia Chanes, 31, reported that she bit into a live bullet while eating a hot dog at the store's food court. Police officers determined that the object Chanes showed them was a live 9 mm round.

● **Montgomery, Alabama:** The state's Board of Pardons and Paroles has no authority to grant the request for a pardon by ex-felon Hubert Norris, who is now Fayette County Sheriff. Norris was sheriff from 1974 through 1989, when he was convicted on federal bootlegging charges and served 32 months in prison, but voters re-elected him two years ago. Norris received a civil rights pardon so he could vote and seek political office, but U.S. Attorney Alice Martin said granting a gun pardon is beyond the authority of the state board.

● **Newtown, Connecticut:** The Hunting and Shooting Sports Heritage Foundation has announced a new Web site, VoteYourSport.com, designed to encourage sportsmen to become more informed and motivated sportsmen. Doug Painter, HSSHF president, said, "A mobilized and educated force of hunters and shooters could wield enough clout to decisively swing local, state and even national elections."

● **Washington:** Preliminary FBI statistics released in late May show that violent crime declined in 2003 despite a third consecutive yearly increase in homicides. The violent crimes - rape, robbery, aggravated assault and homicides including murder and manslaughter - dropped 3.2 percent compare with 2002 led by sharp declines in rape and assault.

● **Detroit, Michigan:** Detroit has become the most violent city in America, according to recently released FBI crime statistics. Atlanta and Saint Louis, the two large cities that ranked ahead of Detroit in 2002, reported sharply falling violent crime. Detroit's 2003 crime rate works out to 2.02 violent crimes per 100 residents.

● **Troy, New York:** The New York State rifle and Pistol Association has inaugurated its Misfire Awards to highlight needless gun laws proposed in the state Legislature. Assembly Bill A03539 got the stupid prize for proposing that drivers of firearms shipments be provided with cargo manifests that give every last detail about the guns they're carrying, alerting pilferers to the availability of prime merchandise.

● **Washington:** The Million Mom March this year was short about 999,000 moms who decided to stay home. Those who showed mostly spouted "dump Bush" rhetoric, mixed with wishes for a total ban on gun ownership in America.

# Parting Shot

## SAF BLASTS ELITIST CHICAGO ALDERMAN

Chicago Alderman Arenda Troutman has a police officer assigned to guard her home, which has been burglarized twice in three months. A police officer is assigned to her home during all shifts, including weekends.

The Chicago Sun-Times quoted Troutman as saying, "Deserve it? Damn right. I should receive the protection I am receiving. I am an elected official. You're darn right."

Stunned by Troutman's cavalier attitude, Second Amendment Foundation founder Alan Gottlieb offered this harsh rebuke: "What happened to the rights of Troutman's constituents to police protection in a city where honest citizens have been left virtually disarmed by insidious gun laws that Troutman no doubt supports?"

But even more troubling, what happens if another citizen needs police protection while Troutman gets special treatment? The district police commander ordered a squad car parked in front of Troutman's home on weekends.

We'd like to point out that this is costing taxpayers an estimated \$366 a day. And who knows how many lives or injuries it cost because the cop was tied to Arenda's house?

Many police officers in the city believe that Troutman doesn't deserve the special treatment. We agree.

Just who does Arenda Troutman think she is? She's part of a city government that makes it virtually impossible for average citizens to protect themselves from burglary and other crime.

Does that entitle her to special protection?

"I'm an elected official." What arrogance!

As an elected official, she's supposed to be a public servant, but she thinks the public is *her* servant. *She* deserves armed protection, but *you* don't.

Perhaps it's time for Troutman's South Side neighbors to tell her she's wrong.

In an ideal world, Troutman would not need a policeman parked in front of her house.

In an ideal world, citizens in Chicago would be legally armed and able to defend themselves and their homes.

They would even be able to come to Troutman's aid if she needed it.

But the world is not ideal, and it is the kind of elitism Troutman has exhibited that makes it so.

*Alan M. Gottlieb*

*Joseph D. Vukobratovic*

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