

# The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 116

August, 2004

Dear Subscriber,

**Federal security officials are turning to the National Rifle Association to help control gun violations at airports.**

The U.S. Transportation Security Administration **has requested the NRA to inform its 4 million members about federal gun laws at airports.** The move is intended to counter a growing number of firearms violations at airports.

TSA spokeswoman AMY VON WALTER said, "We're having informal talks with the NRA on how to get this message out."

ANDREW ARULANANDAM, NRA spokesman, said "They've asked us to help inform our members about the proper procedures."

**Both sides have their own motives for joining the talks.**

VON WALTER said, "We continue to see guns and ammunition at the airport security checkpoints. It's an ongoing problem."

The NRA, on the other hand, **wants airline and security employees to stop harassing gun owners** who have legally packed their firearms in their checked bags. Too often, said ARULANANDAM, **gun owners are stopped by airline agents who say they are not permitted to travel with firearms.**

"There's a lot of frustration among our members and gun owners," he said. "Security employees are not always aware of the rules. **We want hunters and gun owners to travel without hassle.**"

President GEORGE W. BUSH has made travel without hassle easier for law enforcement officers: he recently signed the Law Enforcement Officers' Safety Act, which exempts qualified active and retired officers from State and local prohibitions on carrying concealed firearms. **Now such officers can carry their firearms when traveling outside their own jurisdiction.**

Capitol Hill has also seen a flurry of last-minute alarm cries from gun control groups clamoring for **an extension on the so-called "assault weapons" ban**, scheduled to "sunset" on September 13 if Congress doesn't renew it.

The Brady Center to Prevent Gun Violence, the Million Mom March and other anti-gun groups are mounting a combination "Dump Bush" and gun ban extension campaign.

They're complaining that, although President BUSH made a campaign pledge in 2000 to support an extension on the ban, **he has not urged Congress to send a bill to his desk for signature.**

"**They knew not to because the votes are not there,**" said House Majority Leader TOM DeLAY (R-TX).

The votes may not be there in the Senate either, with Democrats edgy about the gun issue as a vote-loser, but the Brady Center issued a news release claiming they are there and hammering the top-ranking Senator.

It was snide to the point of being crude: "Senator BILL FRIST, the Republican Majority Leader (and a physician), is currently preventing the Senate from voting on renewing the Assault Weapons Ban. A majority of Senators are on the record supporting renewal. But Dr. FRIST is blocking it. Attaboy, Dr. FRIST!"

Anti-gun forces are already using the "Assault Weapons" Ban extension as a campaign issue in the election year contest - see Page 2's top story for details.

**Also in this issue:** ● *Outdoorsmen back Bush* ● *Third time for family's Beretta lawsuit* ● *Massachusetts gets good gun law!* ● *U.N. group planning gun tracing treaty* ● *Wal-Mart caves in to anti-gun demands* ● *Woman foils home intruder in our Page Eight "Parting Shot"*

**ON THE  
FEDERAL  
LEVEL**

### DEMOCRATS USE "ASSAULT WEAPONS" BAN EXTENSION AGAINST GOP

Former President BILL CLINTON framed **differences between Democrats and Republicans** in his Democratic National Convention (DNC) speech by citing the soon-to-expire federal ban on semiautomatic firearms.

CLINTON said, "Our policy was to put more police on the street and to take assault weapons off the street. Their policy is the reverse."

Rep. CAROLYN MCCARTHY (D-NY) gave a convention speech **urging the party to renew the ban**.

That shows how **some Democrats hope to use the assault weapons issue against President BUSH and members of Congress** in the campaign. It is a gun issue that Democrats don't feel they have to dodge, still smarting over Al Gore's loss of traditional Democrat states in the 2000 presidential election because gun rights voters came out in force against him.

Democrat strategist CELINDA LAKE recently polled 1,800 voters in 10 swing states and found that **more than 60 percent favored renewing the ban on so-called assault rifles**.

Democrat presidential nominee Massachusetts Sen. JOHN F. KERRY supports extending the ban, but has **remained quiet on the issue**. He noisily claims to be for the Second Amendment, owns guns, staged a photo opportunity at a skeet shooting event and resurrected an old picture of him carrying a military assault rifle during his four months in Vietnam. It is clear that he doesn't want to disturb the pro-gun vote.

**POLITICS  
2004**

### OUTDOORSMEN BACK BUSH

The National Wildlife Federation commissioned a poll conducted by Bellwether Research & Consulting that shows **68 percent of hunters and anglers voted for GEORGE W. BUSH in 2000 and 66 percent identified themselves as conservatives now**.

When asked their party affiliation, 51 percent said Republican or lean Republican, 30 percent said Democrat or lean Democrat, 19 percent said Independent (no party preference) and 3 percent did not answer.

A whopping 86 percent indicated hunting and fishing issues will be important in deciding their vote for president.

That may come as bad news to Democrat presidential nominee JOHN KERRY and his running mate, JOHN EDWARDS, **both ranked as among the most liberal and anti-gun rights members of the U.S. Senate**.

### DEMOCRATS: WE'RE NOT LIBERAL, JUST ASK JOHN KERRY

The Manchester, New Hampshire *Union Leader* recently noted that a *Boston Globe* poll of delegates to the Democratic National Convention showed that **89 percent support laws to restrict the availability of firearms**, 86 percent think the U.S. is not winning the War on Terror and 62 percent support gay marriage.

The *Union Leader* said "these are not mainstream American views," which is why the Democratic Party "has gone to great lengths to control the message" that it is not liberal.

### GUN GROUP CALLS EDWARDS "CLONE OF KERRY"

Gun Owners of America says Sen. JOHN EDWARDS, vice presidential nominee, is a "virtual clone" of JOHN KERRY. **Both got an "F" rating from the group**, which means "this ticket is tilting full to the left," according to GOA Communications Director Erich Pratt. Both voted to extend the semi-automatic firearms ban and to outlaw private gun sales without background checks.

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### APPEALS COURT REJECTS ST. LOUIS LAWSUIT AGAINST GUNMAKERS

The three-judge Missouri Court of Appeals **has refused to reinstate the City of St. Louis' lawsuit** that sought compensation from gunmakers, distributors and related trade groups for gun-related injuries.

### OHIO SUPREME COURT REFUSES TO THROW OUT SUIT AGAINST SHERIFF

The Ohio Supreme Court, on a 6-1 vote with Justice Paul E. Pfeifer dissenting, has issued an alternative writ of mandamus, **declining Franklin County Sheriff Jim Karnes' request to have a lawsuit against him thrown out.**

## ON THE LEGAL FRONT

The lawsuit was brought by Josephine Lee for Karnes' refusal to issue her a concealed handgun license even though she had submitted proper applications for a Temporary Emergency License (TEL) and her standard license form. Attorneys for both sides have been given briefing schedules for the high court.

In other Ohio news, the state Supreme Court also dismissed unanimously and without comment a lawsuit filed by the Ohio Coalition Against Gun Violence. The Coalition wanted to stop sheriffs from issuing concealed carry permits using various allegations, including inadequate budgets to do proper background checks and application processing.

### GUN GROUPS SUE TO BLOCK BAY AREA COUNTY .50-CALIBER RIFLE BAN

Eight plaintiffs including the California Rifle and Pistol Association, California Association of Firearm Retailers and Sports Afield have filed legal papers in federal court **seeking to block Contra Costa County from enforcing its recent ban on the sale of .50-caliber rifles.**

The county's Board of Supervisors approved the law on April 6, prohibiting the sale of .50-caliber rifles in the unincorporated county.

### CONNECTICUT SUPREME COURT RULES AGAINST CAB DRIVER WHO SHOT ROBBER

In a split decision, Connecticut's highest court has ruled that **a cab driver had no right to carry the pistol he used to shoot a robber** because his taxi is not a place of business.

New Haven prosecutors found that cab driver John Lutters was justified in fatally shooting 38-year-old Travis Hazelwood in 2001 for trying to rob him, but charged Lutters with carrying a pistol without a permit, a felony that carries up to five years in prison and fines of up to \$5,000.

New Haven Superior Court Judge Lubbie Harper, Jr., dropped gun charges against Lutters two years ago, but prosecutors took it to the state Supreme Court, saying everyone carrying a pistol should have a permit.

### MINNESOTA JUDGE DECLARES STATE'S CONCEALED CARRY LAW UNCONSTITUTIONAL

Ramsey County District Judge John Finley has declared **Minnesota's concealed carry law unconstitutional** because it was bundled with a "totally unrelated bill relating to the Department of Natural Resources." He said the state Constitution prohibits laws from embracing more than one subject.

Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, said Judge Finley's ruling is **an affront to the state's law-abiding citizens** and should be quickly reversed by an appeals court.

Minnesota Attorney General Michael Hatch has appealed Finley's ruling.

### THIRD ATTEMPT IN LAWSUIT AGAINST BERETTA GOES TO TRIAL

After two failed suits, the family of Griffin "Kenzo" Dix is suing Beretta USA for his "wrongful death" when a 14-year-old friend, Michael Soe, shot him with a Beretta 92 Compact L without checking to see if the gun was loaded.

The Dix family is arguing in Alameda County, California, Superior Court that the gun design was unsafe because Soe couldn't tell that it was loaded, and **wants millions of dollars.** The second trial ended in a hung jury after the first was appealed because of a juror problem.

### **CALIFORNIA: MORE GUN PERMITS AND A VETO**

The number of California residents with gun permits has climbed 28 percent since 2000 amid heightened security fears following the September 11 terrorist attacks. More than 45,000 concealed weapons permits were issued by the end of 2003, up nearly 10,000 over three years, according to the state Department of Justice.

**AT THE  
STATE  
LEVEL**

Gov. Arnold Schwarzenegger did the right thing, says the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), when he vetoed SB1177, a so-called "gun safety education" bill. The program could have allowed anti-gun propaganda to be taught in public schools in the guise of safety. CCRKBA opposed the bill from the outset.

### **ILLINOIS VILLAGE CONSIDERS BANNING AIRGUNS**

The Village of Wilmette may ban the sale and possession of airguns, just a few months after suffering national notoriety for prosecuting a homeowner who used a handgun to stop a home invader who broke into his house twice in less than 24 hours.

The Wilmette Public Safety Committee has proposed banning airguns, including air rifles, air pistols, BB guns and paint ball guns.

### **300,000 INDIANA RESIDENTS HAVE GUN PERMITS**

A survey by the *Indianapolis Star* found that nearly one in fifteen Indiana adults has a gun permit, ranking the state second only to New York in the number per thousand residents.

Last year about 76,000 permits were issued, and 2,360 were denied. So far this year, about 35,000 have been handed out, and 2,126 have been denied. Indiana permits are good for four years.

### **MASSACHUSETTS LAW STRENGTHENS GUN RIGHTS!**

Finally, a good gun law in an anti-gun state: Massachusetts lawmakers have extended the duration of handgun licenses from four years to six years. Also, a 90-day grace period to carry a gun while the owner waits for a license renewal to be processed.

The law also creates a license review board that can reinstate ownership status to those who lost their licenses after committing non-violent misdemeanors.

### **LESS PAPERWORK FOR NORTH CAROLINA GUN BUYERS**

North Carolina lawmakers have approved a bill to allow people with concealed handgun permits to purchase a pistol without filling out an additional license application.

The bill changes a rule that required a separate pistol purchase permit to buy a gun, but does not change the requirement for a concealed handgun permit holder to pass a background check by a local sheriff before purchasing a firearm.

House and Senate negotiators agreed to the Senate version of the measure, which now goes to the desk of Gov. Mike Easley for signature.

### **MISSOURI PERMIT HOLDERS: DON'T MESS WITH TEXAS**

The Lone Star state's attorney general has notified Missouri Gov. Bob Holden that his state's concealed firearm permits won't be honored in Texas. A letter to the governor cites concerns in Texas that Missouri's permits can be issued before completion of a federal criminal background check.

Missouri law requires a sheriff to conduct a criminal background check on applicants before issuing a license. But if the check remains incomplete after 45 days, the sheriff must issue the license anyway.

If the background check later comes back showing the applicant should be disqualified, the sheriff must revoke the permit.

Texas officials are specifically concerned that Missouri permits do not indicate whether a background check has been done.

### WASHINGTON STATE GIVING FBI NAMES OF DISQUALIFIED GUN BUYERS

The Washington State Department of Social and Health Services is supplying the FBI with names of mentally ill people prohibited from owning handguns.

**AT THE  
STATE  
LEVEL**

The names of people disqualified by the courts from having guns will be added to the National Instant Criminal Background Check System (NICS), which is used by police and gun shop owners to screen potential gun purchasers.

The index does not identify people as mentally ill but rather "state disqualified" to ensure a person's privacy, according to Washington State Patrol Lt. Sean Hartsock.

To date, about 33,000 names have been submitted to the national registry by the state agency.

### WEST VIRGINIA STATE POLICE TO HOLD GUN SALE

Surplus shotguns, sniper rifles and several machine guns are up for sale as the West Virginia State Police cleans out its weapons locker.

For the first time in ten years, the agency has decided to let its older weapons go to the highest bidders among licensed dealers, according to State Police Lt. Col. Dave Williams.

The State Police cannot sell weapons that have been used as evidence - they are either returned to their owners or destroyed.

Only holders of Class 3 firearms permits or Class 2 manufacturers can bid on the Norinco machine gun, two Cobray machine guns, an Uzi pistol and three Uzi semiautomatics.

### WISCONSIN CITY POLICE CONDUCT CONTROVERSIAL HOME RAIDS

After Oshkosh, Wisconsin police officer Nate Gallagher was shot in the right arm by an unidentified assailant, the city's Special Weapons And Tactics Unit - the SWAT team - responded to the neighborhood with a K-9 police dog in pursuit of the perpetrator, who fled.

Gallagher was treated and released from a local hospital. He had been talking to another officer investigating a teen drinking report when a shot came from nowhere, evidently unrelated to the drinking party in progress.

Residents were forced from their homes in a police quarantine area, herded to an emergency command center and their lawful firearms confiscated by police. That resulted in a "Tyranny Alert" being issued by Wisconsin Gun Owners, Inc. a gun-rights protection organization. Executive Director Corey Graff said, "This is a blatant case of guilty-until-proven-innocent and an abuse of police power."

Police promised to return the firearms after forensic tests proved they were not involved in the crime.

A search warrant was issued for two homes, but the search and seizures extended to all neighborhood residences. The search of one home under warrant produced evidence that led to the arrest of "a person of interest and his wife," Mark and Kimberly Jungwirth, who live just a few houses from where Gallagher was shot.

They were taken into custody as they returned from a trip up north. According to investigators, the two left shortly after the shooting. They were charged with growing marijuana in their home and the man is the key suspect in the shooting.

Police are requesting residents to help find the bullet that went through Gallagher's arm, the key evidence in making the case.

Martin Gruberg, president of the local chapter of the American Civil Liberties Union, said some of the stories he's heard from the neighborhood at least raise questions of whether rights were violated by investigating police.

"Search warrants are specific, and include information on why police are there and what they're looking for," Gruberg said. "If you give police consent to search, does that give them the right to come in, rummage around and take things? I'm not sure."

Oshkosh Police Capt. Jay Puestohl acknowledged consent to search does "not necessarily" mean officers have consent to remove property.

### **U.N. ENDS FIRST SMALL ARMS TRACING SESSION**

The first round of negotiations on developing an international system for tracing small arms is finished. Chairman of the United Nations working group Ambassador Anton Thalmann of Switzerland said the sessions were "positive" on a means of controlling the flow of firearms into the black market.

## **AROUND THE WORLD**

The goal is to make it easier to trace all legally produced arms so that if a weapon turns up in a war zone or in a country under U.N. sanctions it will be easier to trace that weapon back to find out how it was diverted from the legal to illegal base.

Gun rights advocates view the U.N. deliberations as an international attempt at more fundamental gun control.

### **ZIMBABWE PROMOTES ANTI-GUN "SMALL ARMS WEEK"**

Two scholars at the University of Zimbabwe's Center for Defense Studies, Frederick Sadomba and Gwinyayi Dzinesa, are promoting the South African nation's commemoration of the "Global Week of Small Arms," an anti-gun program calling for an Arms Trade Treaty that would effectively gut the Second Amendment of the United States Constitution.

*The Herald*, chief newspaper in the capital city of Harare, noted that "As long as the community's faith in the police and justice system remains weak, citizens will arm themselves in self-defense." Zimbabwe might be surprised one day to discover that strong police and justice systems don't change that.

### **BRAZILIAN PRESIDENT SIGNS ANTI-GUN LAW**

Brazil's tough gun law has gone into effect, six years after first being introduced in Parliament. President Luiz Inacio Lula da Silva signed the bill into law.

The legislation creates a gun registry for private, police and militia-held firearms. Citizens will be required to turn in their firearms to the government.

### **CANADA GUN REGISTRY STUDIED AS MODEL OF INCOMPETENCE**

Baseline, a New York-based management center that conducts case studies on information technology for business leaders, has published an analysis of the Canadian gun registry as a textbook study in incompetence and financial mismanagement.

The study examines how the gun registry grew from a simple \$119 million gun ownership tracking system into a large and complex electronic database with a billion-dollar price tag.

### **BRITISH SHOTGUN CONTROL PROGRAM ANGERS ENVIRONMENT MINISTER**

Proposals to restrict legal shotgun users that could have a devastating financial impact on rural communities were not sent to Environment Secretary Margaret Beckett, who was furious that she was not consulted. Beckett is responsible for the economic welfare of the United Kingdom's rural areas.

The U.K. Home Office published the new rules severely limiting ownership and use of shotguns, despite government agreements to "rural proof" all new policies to make sure they do not harm rural economies.

### **SOUTH AFRICA PASSES HARSH ANTI-GUN LAW**

A new gun control law has gone into effect in South Africa, requiring the country's 2.1 million registered gun owners to reapply for their licenses, undergo more stringent background checks and pass a written test to prove they have basic knowledge of how to handle a firearm.

The act also raises the legal age for owning a gun from 16 to 21 and new firearm owners will be required to undergo a training and safety course at an accredited institution.

The South African Gun Owners Association opposed the law.

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

● **Spokane, WA:** NRA President Kayne B. Robinson warned a convention of outdoor writers that it should not be seduced by environmental organizations such as the Sierra Club, which promise to protect hunting habitat but actually are scheming to ban guns and promote anti-gun political candidates. Some journalists rebuked him.

● **Wichita, Kansas:** Todd Rozof wants to add a paintball park to his golf training center, but city ordinances could stand in his way - they lump paintball guns in with firearms. City officials have refused to change their laws, but asked Rozof to meet with Police Chief Norman Williams to work out an agreement. Rozof is reluctant to make the necessary investment for kids to play paintball without a guarantee that officials won't shut him down for violating firearms restrictions.

● **Tucson, Arizona:** Sandy Froman, who was 30 when she picked up her first gun as a means of self-protection after an attempted home invasion, is about to become president of the National Rifle Association. As president of the NRA, Froman plans to address and protect the civil rights of minorities, something she believes has been overlooked in the past.

● **Gulfport, Mississippi:** Even a bad shot can foil a burglary. Two robbers invaded the home of an elderly, white-haired woman and bound her with duct tape. Her grandson came upon the scene and one of the robbers hit him on the back of his head. The grandson nevertheless found his grandmother's handgun and started shooting. He shot out the glass of a neighbor's front door and hit the sidewall of another home, but none of the bullets struck anyone. The robbers fled in a grayish Oldsmobile.

● **Springfield, Massachusetts:** The parent company of Smith & Wesson reported a 27 percent increase in handgun sales over the past year, but charges sent profits skidding. The charges resulted from closing its Scottsdale, Arizona offices, and shutting down two non-firearms units. Smith & Wesson Holding Corporation reported profits of \$1.4 million, or 4 cents per diluted share for the fiscal year that ended April 30, compared to profits of \$15.7 million, or 44 cents per diluted share, in fiscal 2003. However, the company said its 2003 profit was buoyed by a one-time tax benefit of \$12.4 million.

● **New Haven, Connecticut:** Wal-Mart, bowing to pressure from city officials, has agreed to halt the sale of guns, hunting bows and even paintball guns at a store set to open last July. Scott Huddleston, general manager for the Wal-Mart store, said the company agreed to not stock the items after discussions with city officials. Part of Wal-Mart's original agreement when taking over a former Kmart was to do what the community wants.

● **Mesa, Arizona:** Police returned to the gun-selling business in 2004 after being out of it for nearly seven years. In a recent sale, Mesa police sold 150 firearms, including rifles and handguns, to firing Pin enterprises of Phoenix for \$25,396. the money goes to the city's General Fund. the department already has about 150 more guns ready for a sale in the fall.

● **Cleveland, Ohio:** Newspaper publisher Doug Clifton of the *Cleveland Plain Dealer* published the names of 3,000 residents who have taken out concealed carry permits, citing the public's right to know. In return, the pro-gun group, Ohioans for Concealed Carry posted Clifton's home address, phone number and even a map to his house on its web site. The group said if the public has the right to know personal information about concealed carry permit holders, it has a right to know the personal information of the publisher too.

● **Fort Benning, Georgia:** Seven of the U.S. Olympic shooting team's 28 members are full-time marksmen with the Army unit based at Fort Benning. "Some of the best shooters America has ever produced have come through the Marksmanship Unit," said John Robbins, spokesman for the National Rifle Association, which sponsors shooting competitions across the country. The U.S. Olympic team's Army shooters have departed for Athens with their gunsmith.

# Parting Shot

## SHE'S GLAD SHE HAD HER GUN ANYWAY

When Lisa Hansen work up early one recent Thursday morning, she didn't hear the usual peaceful twittering of birds outside her Spokane, Washington home - she heard an intruder rummaging through her house.

"I heard him running up and down the stairs," she told police later.

"He was trying to open my bedroom door. I have a lock on it. I waited to listen to see how many footsteps I heard."

Hearing only one person, she grabbed her cell phone and reached for the gun she keeps under the bed.

She rushed out of her bedroom and confronted the burglar in the dark hallway. She then herded him out into her back yard at gunpoint.

The burglar turned out to be a 14-year-old boy who told her, "I'm the one who mows your lawn." She was appalled. She knew this kid!

He gave her a phony story about entering her house because he saw a man inside, but Hansen didn't buy it. She couldn't get over it. She knew this kid!

While waiting for police, Hansen found her roommate's checkbook in the boy's back pocket. Robbed by the kid that mows the lawn!

Spokane County Sheriff's Deputy Michael Drapeau was first on the scene.

A puzzled neighbor who saw the deputy run into Hansen's house, gun drawn, was a Washington State Patrol detective. He quickly strapped his bulletproof vest over his T-shirt, put his gun on his hip and bolted across the street to help.

Drapeau said, "He saw me run back there by myself and was going to give me a hand." Just like in most self-defense cases, the gun didn't need to be fired.

But there was no problem. Three more deputies arrived within a minute or two and the suspect was quickly arrested.

Drapeau said, "She basically had him on his knees in the back yard at gunpoint."

The boy was charged with residential burglary. He lives in the neighborhood and was evidently hired by the owner of the house Hansen rents to do yardwork.

When it was all over, Hansen was relieved that the situation had been resolved without bloodshed. She just shook her head. The kid that mows the lawn!

But Hansen remains ready for anything. The gun remains handy.

You never can tell who'll rob you next.

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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