

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 119

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Dear Subscriber,

Gun owners across America are jubilant at the election victory of President GEORGE W. BUSH and the strengthening of the gun-friendly majorities in the House and Senate.

The Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) congratulated gun owners who turned out in record numbers throughout the nation for **"providing the critical votes necessary to strengthen the pro-gun majority on Capitol Hill, and keep a pro-gun President in the White House."**

ELECTION 2004

Committee Executive Director JOE WALDRON said, "Now the real work begins on the gun rights agenda."

The National Shooting Sports Foundation's president, DOUG PAINTER, issued a statement saying, "With pro-gun leadership in the House and Senate, as well as the White House, we're very optimistic about our prospects for protecting 2nd Amendment freedoms and hunting traditions, and advancing legislation to protect firearms makers and sellers from frivolous lawsuits that threaten their business."

The National Rifle Association toted up the score of pro-gun wins in the House and Senate: 14 of the 18 Senate candidates endorsed by the NRA won; 241 of the 251 NRA-endorsed House candidates won.

Their tally of the 109th Congress: it will begin with Members with the following ratings, from "A" for most pro-gun rights to "F" for least: **235 "A"-rated; 27 "B"-rated; 15 "C" rated; 17 "D"-rated; 138 "F"-rated; and 3 unrated.**

The NSSF's PAINTER noted that Alaska and Maine defeated anti-hunting ballot measures, while Louisiana overwhelmingly passed a measure *guaranteeing the right to hunt, fish and trap.*

He also commented on Democrat presidential candidate **Sen. JOHN KERRY's avid courting of hunters and shooters:** "Kerry couldn't hide a 20-year anti-gun, anti-hunting career behind 20 weeks of hollow pandering. We thank America's sportsmen for their vigilance and for voting their sport."

JOE WALDRON of CCRKBA said of the 109th Congress, "This will be the first real opportunity that gun owners have had in recent memory *to go on the offensive.* We need to immediately begin **pushing for an expansion of the armed pilots program,** and perhaps equally important to homeland security, we need to pass **national concealed carry legislation for private citizens."**

CCRKBA was first to call for the arming of commercial airline pilots and took a leadership role in pushing legislation to create the armed pilots program.

WALDRON concluded, "The hard work that lies ahead will be aimed at strengthening our rights, and thus make America stronger. We now have a clear chance to start, as Gen. DOUGLAS McARTHUR called it, **'the long road back' toward regaining lost firearms freedoms,** and expanding the ability of all Americans to be safe - in the air, on our streets and in our homes."

Also in this issue: ● *Congress nixes easing armed pilots* ● *Only the cops can't have guns in Alaska town* ● *Anti-gunmaker lawsuit thrown out in West Virginia* ● *Brazil begins disarming its population* ● *LAPD security czar tries to carry a gun on plane without a permit* ● *Crime control in our Page Eight "Parting Shot"*

CONGRESS REJECTS ARMED PILOTS PROPOSAL

A measure introduced by Rep. VIRGIL GOODE (R-VA) and Rep. RON PAUL (R-TX) to **make it easier for pilots to carry guns in airplane cockpits** was **rejected** on the floor of the House of Representatives.

The resolution was an amendment added to the proposed **Cockpit Technical Corrections Act**. GOODE said the measure was **ruled out of order** on the House floor because "it was a contentious issue during a time crunch and they lopped off the amendment." He added that *supporters didn't want to delay the bill with numerous amendments*.

The amendment was a response to **the Transportation Security Administration's foot-dragging** in implementing the armed pilots program, which was signed into law just months after 9-11.

Specifically, the amendment would have **eliminated lock boxes** for Federal Flight Deck Officers (FFDO), provide **standard FFDO credentials**, **require FFDOs on international flights**, **require the FBI to consider taking over** the program, and provide **an appeals process** for disqualified pilots.

JOHN MICHAEL SNYDER, spokesman for the Citizens Committee for the Right to Keep and Bear Arms, said, "We will continue to support these provisions. What's at stake here is the safety of airline passengers, pilots, crews and cargo."

**AT THE
FEDERAL
LEVEL**

NEW YORK GUN CONTROL POLITICIANS VOW TO REVIVE GUN BAN

U.S. Sen. CHARLES SCHUMER (D-NY), New York City Mayor MICHAEL BLOOMBERG (R) and Police Commissioner RAYMOND KELLY have pledged to work to **reinstate the recently expired ban** on semi-automatic firearms, so-called "assault weapons."

Not surprisingly, Sen. SCHUMER promised that members of Congress will take up the issue during its next session.

NATIONAL IDENTITY CARD? GOVERNMENT DATABASE ON YOU?

The Intelligence Reform bills in Congress don't just follow 9/11 Commission recommendations, they create **potentially horrendous problems**. The Senate version, S 2845, is less worrisome than the House version, HR 10, which would:

- Authorize a massive government database containing **personal information on every airline passenger** as part of a "next-generation" pre-screening program.

- Standardize the process of issuing **driver's licenses** according to **federal rules** - dangerously close to creating a national identity card.

Section 2173 of HR 10 allows the Transportation Security Administration to check all passenger name records against **"all appropriate records"** in a terrorist watchlist. What's "appropriate" is left to the bureaucrats. Where do they get the passenger information? Are your gun records in there? Is the appeals process adequate to get you on your plane if the records are wrong?

Section 3052 forbids all federal agencies to recognize any state-issued driver's license or other identification card unless it **conforms to federal standards**, which require a photo, full name, residence address and other personal data. *Will your state fail to meet federal standards?* Will this make it impossible for you to travel on an airline, check into a hotel, or even cash a check? Think of all the things you need a valid driver's license for these days.

The Senate and House versions of the bill are so different that **no compromise has yet been reached**, and the bill may be long delayed in getting to the President's desk for signature.

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GUNS FOR EVERYBODY EXCEPT THE COPS

Hooper Bay, Alaska, has the distinction of being **the only known municipality in the United States that prohibits officers from carrying firearms.**

Every household in this frosty Eskimo town on the edge of the Bering Sea has an assortment of rifles and shotguns. Not the cops.

Townpeople use their firearms for subsistence hunting and the town has no restrictions on gun ownership. Hooper Bay has no written code that stops its police from packing heat, but **the town elders believe it would create more problems than it solves.**

IN THE STATES

Police Chief James Hoelscher, half-Eskimo himself, has tried for the past two years in town council debates to change that **with no luck.**

CALIFORNIA BUREAUCRATS WANT MORE GUN CONTROL

San Francisco is about to **ban virtually all .50-caliber rifles** and the state's Democrat attorney general wants to **brand all handgun ammunition.** Thus, the state with some of the most stringent gun control laws in the nation is about to get worse. San Francisco's Board of Supervisor's City Services Committee has already approved a ban on .50-caliber bullets and is expected to move soon on .50-caliber rifles and handguns.

California Attorney General Bill Lockyear is proposing that **laser-etched brands be applied to all firearms ammunition sold in the state.** That ammunition and information about the people who buy it would be electronically recorded with the same system now used for gun sales and stored in databases available to law enforcement.

ILLINOIS POLITICIANS SENDING MIXED SIGNALS

Illinois Gov. Rod Blagojevich (D) has become the biggest cheerleader for gun owners who **oppose a raise in the \$5.00 fee for the state's Firearms Owners Identification Card (FOIC),** while his fellow Democrat, Attorney General Lisa Madigan, is calling for the General Assembly to **pass an "assault weapons" ban** after the federal ban expired September 13.

Gov. Blagojevich, while a U.S. Congressman, wanted to increase the FOIC fee to \$500, but the political realities in Downstate Illinois are much different than in Chicago. He nearly lost the Democratic primary because of the gun rights vote and learned from it.

A.G. Madigan, though, announced her intention to press the state legislature for an "assault weapons" ban *at a press conference with Beth Coolidge, Chairman of the Illinois Council Against Handgun Violence.*

OREGON SCHOOLS REVISITING CONCEALED CARRY POLICY

Lane County Community College **will allow people with concealed weapons permits to carry guns on campus** under a policy change being considered by the school's board of education.

The move is intended to bring the college into compliance with state law, but drew dismay from the ultra-left-wing Eugene, Oregon school employees, who want a stricter ban on all guns.

The proposal says guns are allowed as permitted by state and federal law.

NEARLY 2,000 NEW MEXICANS HAVE CONCEALED CARRY LICENSE

The state of New Mexico has issued nearly 2,000 licenses for New Mexicans to carry loaded concealed guns.

The state Department of Public Safety says **it has issued some 1,943 licenses since the program went into effect in January.**

The Department says 30 to 50 applications are being submitted each week.

New Mexicans 25 and older are authorized to apply for two-year licenses after completing firearms training and passing national and local criminal background checks.

WEST VIRGINIA JUDGE THROWS OUT FRIVOLOUS ANTI-GUN LAWSUIT

Kanawha County Circuit Judge Irene Berger has dismissed a lawsuit filed against the manufacturer of a firearm used by a felon to shoot two New Jersey law enforcement officers. West Virginia was the last place a retail store legally sold the firearm.

Judge Berger ruled that former Orange, New Jersey, police officers Dave Lemongello and Kenneth McGuire **are not entitled to damages from Sturm, Ruger & Co., Inc.**, the maker of the gun.

Lawrence G. Keane, Senior Vice President and General Counsel for the National Shooting Sports Foundation, said, "**The shooting of these two brave police officers by a brazen criminal is deplorable and obviously regrettable.** It might also have been prevented by the state of New Jersey. Our judicial system should be used to keep criminals behind bars, not used to blame manufacturers when criminals misuse their products. Why were the illegal firearms trafficker, who is a convicted drug felon, and the career criminal who pulled the trigger out of prison in the first place?"

**ON THE
LEGAL
FRONT**

PENNSYLVANIA HIGH COURT UPHOLDS GUN RECORD-KEEPING

The state Supreme Court has ruled that **a state police database of handgun sales is not an illegal registry of firearm ownership.**

In a 3-2 ruling, the high court rejected arguments by the Allegheny County Sportsmen's League, the Lehigh Valley Firearms Coalition and four individual plaintiffs who have challenged the database for four years, alleging that the database violates the state's 1995 Uniform Firearms Act. The ruling upholds a Commonwealth Court judge's ruling in 2001.

The plaintiffs sued in 2000, claiming that the information state police gather from handgun purchases violates the 1996 law that bars police from maintaining a registry of firearms ownership.

Writing for the majority, Justice Ronald Castille found that the database of sales was not tantamount to an ownership registry. He wrote that although the database may be a registry, it is not a registry of firearm ownership because it doesn't maintain a record of all firearms owned by Pennsylvanians.

NEW HAMPSHIRE GUN-SALE CASE THROWN OUT

A Nashua man, Timothy Geddes, 23, was charged with selling a loaded .22-caliber Smith & Wesson pistol to another person "without being licensed to do so," but Hillsborough County Superior Court Chief Justice Robert Lynn dismissed the case.

Lynn ruled that **there is no such crime**, and state law does not require a gun owner to have a license in order to sell a firearm to another person. State law RSA 159 requires firearms dealers to be licensed by the city or town where they do business, and it's a felony to sell handguns without a license.

But the law also specifies that no license is needed to sell a handgun to a licensed dealer, or to someone "personally known" to the seller.

Geddes had been free on \$2,000 bail, but he was later arrested on a cocaine possession charge and remains in custody awaiting trial on the drug charge.

MICHIGAN PROSECUTOR CHANGES POLICY ON AIRSOFT PISTOLS

The Washtenaw County Prosecutor's Office **will no longer criminally charge anyone caught carrying an airsoft pistol**, backing off an earlier policy that considered the realistic toy guns firearms under state law.

The policy change was the result of a legal opinion sent by the Michigan Attorney General's office to a state representative addressing the legality of airsoft guns, which shoot plastic pellets but look like real firearms. The Attorney General determined that the plastic pellets are not a dangerous projectile as defined by the law and the pistols do not qualify as firearms.

Washtenaw County Chief Assistant Prosecutor Joseph Burke said that once his office received a copy of the legal opinion, it conformed with the decision.

JUDGE RULES MISSOURI CONCEALED CARRY PERMIT FUNDING UNCONSTITUTIONAL

St. Louis County has won a lawsuit claiming that issuing a concealed gun permit would cost it more than the fee paid by the applicant, and would therefore be **an unconstitutional unfunded mandate**. The state may not require new duties

**ON THE
LEGAL
FRONT**

without supplying money, according to Missouri's state constitution.

Missouri's concealed carry law adopted last year has been the target of a number of anti-gun legal challenges. **The state Supreme Court in February upheld the Legislature's right to legalize concealed guns**, but found *the law's funding mechanism could be illegal* in certain circumstances.

St. Louis County, Jackson County and the City of St. Louis took advantage of the funding flaw and refused to accept concealed carry permits, unlike the rest of the state. Cole County Circuit Judge Thomas Brown ruled in favor of St. Louis County in the court case, finding that the County proved it would bear unfunded costs by issuing concealed carry permits.

Attorney General Jay Nixon, whose office defended the law, said he was considering an appeal.

TOP LAW FIRM OFFERS FREE HELP FOR NEW YORK CITY TO SUE GUN MAKERS

The firm of Thelen Reid & Priest has agreed to join New York City's lawsuit claiming the firearms industry is responsible for gun crimes, and **to work on the case with city lawyers at no charge**.

The law firm replaces Weil, Gotshal, the law firm that withdrew from the case last spring, acknowledging that at least one of the firm's corporate clients had raised questions about their role in the case.

The firearms industry is fighting the case vigorously, asserting that the judge, Jack B. Weinstein, is biased and has ignored legal precedents that should block the city from proceeding.

Lawrence G. Keane, general counsel of the National Shooting Sports Foundation, said that Judge Weinstein, who was appointed to the bench by President Lyndon B. Johnson, "has been on a decades-long crusade to destroy the firearms industry."

U.S. SUPREME COURT DENIES APPEAL OF GUN BAN AT COUNTY FAIRGROUNDS

The U.S. Supreme Court has rejected the appeal of gun show operators Russell and Ann Nordyke, **which asked for a new look at the meaning of the Second Amendment**.

The court, without comment, denied review of an appeal by the Nordykes, who operated gun shows at the Alameda County, California, fairgrounds in Pleasanton from 1991 to 1999, when county supervisors passed an ordinance prohibiting guns on county property.

The Nordykes challenged the ban as a violation of free speech under the Constitution's First Amendment and a violation of the right to keep and bear arms under the Second Amendment.

In February 2003, the Ninth U.S. Circuit Court of Appeals in San Francisco rejected the Nordykes' constitutional challenges. The three-judge panel said that possessing a gun is not free speech, and that, under binding Ninth Circuit case authority, the Second Amendment does not protect individual gun ownership.

Gun owners now have to find another case to present to the U.S. Supreme Court, which last reviewed the Second Amendment in 1939.

VIRGINIA'S CONSTITUTIONAL RIGHT TO HUNT TO BE TESTED

"The people have a right to hunt, fish, and harvest game," subject to regulation by the state legislature, according to the Virginia Constitution. **But courts have not decided the meaning of that right**.

A lawsuit pending in Nelson County in rural Central Virginia, is seeking to overturn a County rejection of a conditional use permit to relocate Orion Sporting Group LLC, a shotgun sports business, on a new 450-acre hunting preserve. The suit relies on the constitutional hunting provision, and will be the first such test.

BRAZIL BEGINS CIVILIAN DISARMAMENT WITH GUN BUYOUT

The Brazilian government is aggressively pushing its national program to disarm all private citizens. The Disarmament Statute was sanctioned by President Luiz Inácio Lula da Silva on December 22, 2003.

AROUND THE WORLD

A gun "buyback" program was started September 2, and has so far collected 108,000 firearms, which were immediately destroyed.

In October 2005, there will be a general referendum for the population to decide whether it is in favor of prohibiting the sale of firearms. The referendum will also consider that absolute prohibition of arms production.

GUN LICENSES A TOUGH TASK IN IRAQ

Iraq's Interior Ministry last month began issuing licenses for Iraqis who want to carry or keep a firearm in their home. The licenses replace permits issued by the U.S. civilian administration that handed over sovereignty in June.

Citizens may own only handguns and hunting rifles. Special permission is needed to own military AK-47s. People who want these weapons, mainly for self-defense, take their case to the Interior Ministry.

However, nearly every household in the country has a weapon anyway, usually an AK-47, and the Iraqi licensing department has no illusions that the new requirements will lead to a reduction in illegal weapons.

Iraqis regard guns as a symbol of their individual power and wealth. The Iraqi love of personal guns is so deeply ingrained that the licensing program is almost certainly doomed to failure.

BILLIONAIRE GEORGE SOROS PUSHING GLOBAL GUN BAN

Wealthy businessman George Soros is funneling money to non-profit groups across the world to work through the United Nations to negotiate a treaty that will ban private ownership of firearms worldwide, says National Rifle Association spokesman Wayne LaPierre.

The International Action Network on Small Arms, one of Soros' beneficiaries, has succeeded in getting a gun ban enacted in Australia, where firearms possession is now illegal and crime is going through the roof.

However, President Bush's U.N. appointees, Undersecretary of State John Bolton, former Congressman Bob Barr and former U.S. Ambassador to Switzerland Faith Whittlesey, have thwarted anti-gun efforts in the international body.

SOUTH AFRICANS "ARMED TO THE HILT"

A study by anti-gun group Gun Free South Africa and Cape Town University asserts that South African civilians own more guns than the police and military combined.

Some 8.4% of the population own a gun, which amounts to 3.7 million firearms, the researchers found.

While the report said that South Africa's high gun ownership rate was the legacy of apartheid "where members of the white community were encouraged to own a firearm," gun shops report that black South Africans now account for most their customers.

GHANA MOVES TO DISARM ALL CIVILIANS

Ghanaian Interior Minister Hackmann Owusu-Agyemang has ordered the public burning of confiscated guns to launch a national campaign against privately owned firearms. A stack of hunting rifles and handguns seized by police in the capital city of Accra was covered with wood, doused with gasoline and torched.

"We are taking this campaign seriously," said Owusu-Agyemang. "Security problems have come up in some parts of Ghana, like the Yendi area, as a result of people having access to small arms."

The Ghanaian government is blaming guns for igniting long-simmering disputes over land claims in various areas of the African nation.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Los Angeles:** LAPD civilian homeland security czar John Miller didn't have a permit for the loaded .38-caliber handgun he had in a carry-on computer bag when he was stopped recently by luggage screeners at LAX. Police officials called it a "paperwork glitch," but federal authorities are investigating, which could lead to Miller's prosecution.

● **Londonderry, New Hampshire:** The flap over Londonderry High School student Blake Douglas and his desire to be pictured in his year book with the shotgun he uses for skeet shooting is growing as support comes in from fellow shooters. School officials continue to refuse this request and have even said that the school district's "zero tolerance" policy on "weapons" would preclude a Boy Scout from being depicted with a pocket knife as part of his uniform.

● **Marina City, California:** When Marina City Councilman Michael Morrison applied for a concealed weapons permit three years ago, he said he needed to carry a gun partly to protect himself against people who had supported the Measure E slow-growth initiative on the city's 2000 ballot. In his application to the Marina Department of Public Safety, he said he feared the "ultra liberals" supporting the successful measure might "start something." As part of the application, the pro-development councilman told a Marina police officer that "many people have threatened him that if he fights Measure E it would be 'the end of his political life.'" The permit became an election issue in Morrison's successful 2004 re-election bid.

● **Exeter, Maine:** Gov. Craig Benson (R) visited Exeter-based firearms manufacturer Sigarms recently to honor the firm for winning two large federal contracts from the Department of Homeland Security. The contracts, worth about \$28 million, are bringing money to New Hampshire from around the world. "Everybody says manufacturing is dead these days," Benson said. "It's not for companies that are willing to do better and better and better every day. That's what Sigarms does," Benson said. Sigarms executive Pete Kujawski presented him with a handgun identical to those that will be carried by federal Immigration and Customs Enforcement officials under the contracts - with a few decorative embellishments, including his name etched into the barrel of the pistol. Benson also toured the manufacturing facilities, shaking hands with employees at their assembly line stations, before discharging a few dozen .40-caliber rounds in Sigarms' on-site firing range. Benson was narrowly defeated for re-election by Democrat John Lynch.

● **Greenwood, Indiana:** Controversial gun shop owner Don Davis has moved into a new neighborhood. There's no question which house is his. A four-by-eight-foot, two-ton monument sits in the middle of Davis' front lawn. The monument features the American Eagle and an inscription of the Second Amendment. He's the owner of Don's Guns. In this neighborhood of million-dollar homes, Davis will undoubtedly face a challenge over covenants and ordinances dealing with signs. But some of his neighbors don't seem to have a problem with it. "I think it's his right to put the sign out," said Bill Adams, a neighbor. "He paid for his property. It's his land. Freedom of speech," said a passing jogger. The homeowners' association in Davis's neighborhood plans to bring up his monument as an issue at its November meeting. Davis says it will take a lot of lawyers and money to move this rock.

● **Chicago:** John Lewis, 50-year-old principal of Libby Elementary School on 53rd Street, has been removed from his post after authorities found a large number of allegedly unregistered firearms at his South Side home. Lewis was charged with 61 counts of possessing unregistered firearms after the guns were found at his home during a weekend raid. Police said Lewis had a valid firearm owner's identification card, but only for one of the guns.

● **Minneapolis:** Mark Koscielski, owner of Koscielski's Guns and Ammo, the only gun shop in Minneapolis, has introduced a shotgun the size of a credit card and about a half-inch thick. Each of its two barrels fire seven standard steel BBs. Koscielski said it was "the ultimate self-defense weapon," effective up to 10 feet.

Parting Shot

CRIME CONTROL

Felicia Moss, 34, lives in a gated community in Pembroke Pines, Florida, population 137,000.

She likes it because it's a nice place with a crime index almost a third lower than the U.S. average.

But that doesn't mean it's crime-free, as Felicia discovered one recent evening when she drove her Lexus through the community gate.

She didn't pay much attention to the blue Oldsmobile Cutlass Ciera that followed her in, assuming it belonged to another resident.

When she arrived home and got out of her car, the driver of the Oldsmobile, a man in his early 20s, approached her and demanded money.

Surprised, she readily showed the young man her empty wallet, which made him swear.

But then he saw a cellular phone in her purse and grabbed it.

That was enough for Felicia Moss. She reached deep into her purse and pulled out her 9mm Heckler and Koch semi-automatic handgun.

The man looked at the gun bug-eyed and reached out to grab it, struggling with Felicia for a moment.

When he realized this woman was no pushover, and that he wasn't going to end up with the gun, he took off running.

Moss fired three shots at the fleeing robber, unsure whether he had hit him.

Then, fearing he would return for his getaway car, she shot the front tire out of the Oldsmobile.

When Pembroke Pines police officers responded to the scene, they concluded the would-be robber had tangled with the wrong woman.

They tracked the man to nearby Rainbow Lakes Development, where he had carjacked Shirley Michaan's silver 2004 Toyota Sienna Van and escaped.

A registration search of the Oldsmobile Ciera showed it had been carjacked in Miramar a week earlier.

Police put out a bulletin asking the public to be on the lookout for a man around 5 feet 9 inches tall, about 150 pounds, thin build, dark skin and a mustache. He was wearing a white T-shirt, dark-colored jean shorts, white sneakers and a black skull cap.

The suspect is still at large, but Felicia Moss doesn't think he'll be back in her neighborhood anytime soon. He knows she keeps a good crime control device in her purse.

Alan M. Gottlieb

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