

# The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Issue 121

January, 2005

Dear Subscriber,

**Employers have long banned guns from the workplace**, supposedly to prevent violence, but states are passing concealed carry laws that challenge that policy. In some cases, **legislation strikes down employers' attempts to keep guns off company property.**

That means employers are filing lawsuits to preserve their no-guns-allowed rules.

In Oklahoma, a number of employers, including ConocoPhillips, are trying to **overturn a law that allows employees to keep guns in locked vehicles on company property.**

The law was supposed to go into effect Nov. 1, but enforcement has been blocked as legal wrangling over the bill continues.

However, **gun owners are fighting back**, boycotting companies that ban guns or fire workers for having them. Pizza Hut is high on the boycott list.

The reason is RONALD HONEYCUTT, a 39-year-old driver from Carmel, Indiana who had just finished dropping off a delivery when a man holding a gun approached him.

**HONEYCUTT wasn't about to become another robbery victim.** He took the 9 mm handgun he always carries in his belt and **shot the assailant more than 10 times**, killing him.

Prosecutors ruled that he acted in self-defense and filed no charges. But Pizza Hut fired him: Carrying a gun violated Pizza Hut's no-weapons rule. **Now, buying anything from Pizza Hut violates gun owners' right-to-bear-arms rules.**

"It's not fair," HONEYCUTT told *USA Today*. "There is a constitutional right to bear arms. If I'm going to die, I'd rather be killed defending myself."

HONEYCUTT found another pizza-delivery job **and continues to carry a gun.**

ROBERT WISNIEWSKI, a 53-year-old nurse in Brandon, Florida, says **he started carrying a gun in his car after an attempted carjacking driving home from work.**

But he stopped carrying the gun because **he works at a veterans' hospital where weapons aren't allowed in the parking lot.**

Gun-owner groups say employers who ban guns are **stripping away workers' right to defend themselves on the job.** Roughly 76 percent of all workplace homicides are robbery related, compared with 7 percent in the general population, according to an unpublished 2003 report by the National Institute for Occupational Safety and Health (NIOSH).

The Society for Human Resource Management says about two-thirds of employers have written policies "that specifically address weapons in the workplace, the reporting of violent incidents and threats of violence or violent acts." Large employers are more likely to have such policies.

Gun of advocates also are pushing for laws that would **make employers who ban guns liable if workers are injured in an attack on company property.** "We're fighting back," says ALAN GOTTLIEB of the Second Amendment Foundation in Bellevue, Washington.

"Employers have rights. But if you don't allow an employee the means to protect themselves in the parking lot, **there can be liability for the company.**"

**Also in this issue:** ● *Capitol Hill forecast* ● *Woman sues Wal-Mart for daughter's suicide* ● *Chicago gun control unit loses funding* ● *British Lord sides with thugs* ● *Marion Hammer in Florida Women's Hall of Fame* ● *Retirement planning didn't cover this, in our Page Eight "Parting Shot"*

**GUNS IN THE  
WORKPLACE**

## WHAT TO EXPECT FROM CAPITOL HILL

The 109th Congress convenes its first session this month and legislative business begins shortly after the Presidential Inauguration on the 20th.

Bills that were not passed last year need to be reintroduced, and most will be given new bill numbers.

Here are the priority gun-related bills we can expect to see this year:

**Protection of Lawful Commerce in Arms Act:** legislation to *stop predatory lawsuits against the gun industry.*

This bill passed the House last year, and had majority support in the Senate, but was *torpedoed by anti-gun zealots* who attached a number of bad amendments to the underlying measure.

As in 2004, we can expect an effort to tack anti-gun amendments on to it, but gun rights advocates are geared to push for a "clean bill" without any "poison pill" amendments.

Former Minority Leader TOM DASCHLE (D-SD), who helped his fellow anti-gun Senators ruin the bill last year, won't be back this year. His defeat at the polls was assured by gun owners' opposition.

**District of Columbia Personal Protection Act:** to *restore the Second Amendment rights of law-abiding District residents* and allow them to protect their families and homes with a firearm.

This legislation passed overwhelmingly in the House last September, but wasn't acted upon by the Senate.

**Firearm Commerce Modernization Act:** this proposal will *update federal gun law to take advantage of modern technology*, allowing for interstate gun sales, provided the sales comply with laws in both the dealer's and the buyer's states.

The legislation would also remove certain limits on licensed firearms dealers, allowing them to conduct the same transactions in person that they currently perform with one another by mail.

**Cockpit Security Technical Corrections and Improvements Act:** to *expedite the training and arming of qualified airline personnel* to defend against terrorism as Federal Flight Deck Officers (FFDO).

This bill is intended to speed up the program, which has been unacceptably slow. It would provide for experienced, trained pilots to be *armed immediately* on a provisional basis, and for streamlining the training of all pilots who wish to participate in the FFDO program.

## U.S. JUSTICE DEPARTMENT: SECOND AMENDMENT SECURES AN INDIVIDUAL RIGHT

The Second Amendment Foundation (SAF) and Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) have praised a report from the U.S. Department of Justice's Office of Legal Counsel that concludes the Second Amendment "**secures an individual right to keep and bear arms.**"

It details the exhaustive research by Assistant Attorneys General STEVEN G. BRADBURY, HOWARD C. NIELSON, Jr. and C. KEVIN MARSHALL who studied the history of legislation and court cases to reach their conclusion. They note that, "our examination of the original meaning of the Amendment provides extensive reasons to conclude that the Second Amendment secures an individual right, and no persuasive basis for either the collective-right or quasi-collective-right views."

SAF founder ALAN M. GOTTLIEB said, "Henceforth, all Americans will know that the claim by anti-gunners that the Amendment only protects some mythical right of the states to form militias and National Guard units is an outright fraud."

**ON THE  
FEDERAL  
LEVEL**

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### MOTHER SUES WAL-MART FOR DAUGHTER'S SUICIDE

Lavern Bracy of Denton, Texas has **filed a \$25 million wrongful-death suit against Wal-Mart** for selling her 24-year-old daughter Shayla Stewart the shotgun with which **she committed suicide** in 2003.

Bracy alleges that Wal-Mart should have known or done more to find out that Stewart was bipolar and schizophrenic as well as having attacked a customer in a nearby Wal-Mart where she had a prescription for an anti-psychotic medication.

**Stewart lied** on Wal-Mart's federal background check form, claiming she had no mental disqualification.

**ON THE  
LEGAL  
FRONT**

Stewart's mental illness records **do not appear in the FBI's instant background check system** (NICS) because Texas state law rules them to be confidential and not for release.

Bracy told the Associated Press that she urges lawmakers to support U.S. Rep. Carolyn McCarthy (D-NY) and her bill that would give states grants to automate and **turn over personal mental health records to the FBI.**

### NEW YORK TARGETS TOY GUN WHOLESALERS

New York state Attorney General Eliot Spitzer's office is **going after toy gun wholesalers** with a 15-year-old law that has previously been applied only to retailers.

Spitzer's latest anti-gun barrage targeted **costume shops** rather than toy stores. The law requires realistic toy guns to have orange stripes running down both sides of the barrel. Two costume wholesalers sold toy guns without the stripes.

Without admitting any wrongdoing, **Rubie's Costume Company** agreed to pay \$26,000 in civil penalties and costs and **Franco American Novelty Company** agreed to pay \$10,000 to end Spitzer's civil action.

### PENNSYLVANIA COURT CALLS PAINTBALL GUNS WEAPONS

An unnamed student at Central York High School violated a state law against possession of a weapon on school property for **keeping six paintball guns in the trunk of his car**, according to a ruling by state Superior Court Judge Richard B. Klein in Harrisburg.

Paintball guns were classified as weapons in the case **in part because the student used one of them to commit vandalism.** The student, then 17, and another youth fired paintball guns at parked vehicles and a garage door, according to court records.

Judge Klein wrote that possession of the paintball guns would not have been criminal if one had not been used illegally.

### ILLINOIS COURT ORDERS SCHOOL TO REINSTATE BB-GUN BOY

Cook County Circuit Judge David Donnersberger has ruled that the two-year expulsion of a Sauk Village boy **who brought a BB-gun to school** was too extreme.

The boy, who was referred to as E.S. in court, was 9 when he brought the BB-gun to school. He did not brandish, use or take the gun out of his school bag.

The boy has returned to class. Attorney Rachel Heaston of the Legal Assistance Foundation of South Holland said the ruling recognized **the undue hardship zero-tolerance rules can have on students.**

### JUDGE OKS SNIPER GUN SETTLEMENT

Washington State Superior Court Judge Frank Cuthbertson has signed a **settlement agreement** between the families of sniper victims and the dealer and manufacturer of the rifle used by John Allen Muhammad and Lee Boyd Malvo in a murderous 2002 shooting spree in the Washington, D.C. area.

**Bushmaster Firearms** of Wyndham, Maine and **Bull's Eye Shooter Supply** of Tacoma, Washington will pay \$2.55 million to the families of 6 victims.

### SAN FRANCISCO TRYING TO REVISIT HANDGUN BAN

The Second Amendment Foundation (SAF) has issued a release blasting plans to put a handgun ban on the November 2005 ballot in San Francisco, California, reminding proponents of the measure that such a ban was declared illegal when first tried in 1982.

"This issue was decided by the California courts more than 22 years ago, and the gun ban extremists lost," recalled SAF founder Alan M. Gottlieb. "Why some city supervisors want to waste the time, and money, of voters to revisit an issue that was unanimously trounced by the State Court of Appeals makes no sense. Even if the ban were to pass, it will not hold up in court."

**IN THE STATES**

In late June 1982, then-Mayor Dianne Feinstein pushed through a handgun ban in San Francisco that lasted only three months before it was overturned by the California State Court of Appeals. Twenty days after the ban was enacted, SAF took Feinstein and the city to court, ultimately beating the ban on Oct. 30 of that year. The city appealed that decision to the California Supreme Court, which allowed the Appeals Court ruling to stand in January 1983.

SAF is already in contact with the San Francisco Chapter of the Pink Pistols, a gay gun rights group, which opposes the ban.

### CHICAGO'S SHADY GUN CONTROL PROGRAM HIT BY FUNDING CUT

Congress has eliminated funding for Project Safe Neighborhoods, the federal anti-gun program, which leaves Chicago Mayor Richard Daley's secretive **Chicago Anti Gun Enforcement (CAGE)** unit financially on its own.

Richard Pearson, executive director of the Illinois State Rifle Association (ISRA), says CAGE is "a rogue organization designed to execute Daley's political agenda while hiding behind the shield of law-enforcement."

Pearson welcomed CAGE's loss of federal funding. He said, "Bolstered by a gun owner registry illegally maintained by the Illinois State Police, the CAGE unit has waged an unfettered campaign of espionage and intimidation against the state's law-abiding firearm owners."

The CAGE program was established by the Chicago Police Department in 1995 with federal funding authorized by Congress through the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

Only two agents were originally assigned to the team, which was tasked to "investigate individuals who purchased guns that were used in crimes and arrest and prosecute the straw purchasers who were the sources of many illegal weapons."

By 1998, the team was increased to eight Chicago police gang specialists and two special agents from ATF who are still detailed to the unit. The CAGE unit operated in near-total secrecy.

In 2003, the ISRA supported HB 515, an Illinois bill designed to cast some daylight on the activities of Daley's shady CAGE unit. HB 515 passed both chambers of the Illinois General Assembly by wide margins - only to be vetoed by Daley ally Gov. Rod Blagojevich.

Pearson said, "We're sure CAGE will find another dark corner of Chicago City Hall from which to operate. Flushing CAGE out and putting it under the public magnifying glass will continue to be a top legislative priority for the ISRA."

### MAINE DOMESTIC VIOLENCE CAMPAIGN USES LOSS OF GUN RIGHTS AS DETERRENT

Beat up your wife, girlfriend or partner and you'll lose your gun rights for life. And if you commit a violent crime with a gun, plan to do time in federal prison.

That's the message of Maine's new campaign called Project Safe Neighborhoods, kicked off recently by Gov. John Baldacci and top law enforcement officials.

Public Safety Commissioner Michael Cantara says nearly one in seven women abused in Maine are threatened with a gun. And since 1996, half of all Maine homicide victims killed with a gun have been women who are abused.

### **MASSACHUSETTS INSTANT-CHECK SYSTEM GOES ONLINE**

Massachusetts recently became the first state to install an electronic instant-check system with a fingerprint scanner for gun licenses and gun purchases. Court records and any other official documents that show a potential buyer to be disqualified from gun ownership appear on the check system in real time.

## **IN THE STATES**

The system also notifies police in real time of legal actions that could result in confiscation of presently owned guns. For example, moments after a court placed a woman's husband under a restraining order, the notice appeared on a Woburn police computer. Officers then went to the man's home and seized his 13 guns.

The electronic instant-check system is also claimed to speed up gun purchases because it uses fingerprints to verify the identity of purchasers. Civil libertarians object to the system's intrusion on gun buyers' privacy.

### **NEW JERSEY GETS A \$1 MILLION FEDERAL GRANT FOR "SMART GUN" RESEARCH**

The New Jersey Institute of Technology has received \$1 million in federal funding for "child-proof" handgun research.

NJIT President Robert Altenkirch said, "The project started as a public service mission, fulfilling a request to provide objective, science-based information to the state legislature."

New Jersey passed the law requiring "child-proof" handgun research two years ago, using "dynamic grip technology" intended to enable guns to recognize their owners, so-called "smart guns."

The technology is similar to the way car seats can automatically adjust to different drivers' shapes and the way electronic signature pads read handwriting styles. So far, no practical results have been reported.

### **NEW MEXICO CONCEALED CARRY PERMITS TOP 2,000**

New Mexicans holding concealed weapons permits now exceed 2,000, according to the Special Investigation Division of the state's Department of Public Safety.

The state has granted 2,008 of the 2,224 applications received. Thirteen applications were denied for failure to meet all requirements, 12 were abandoned and the rest are in background checks.

No one with a concealed carry permit under the New Mexico Citizen's Safety Act has been involved in an incident in which they used their concealed guns.

### **SOUTH CAROLINA CITY IN GUN BUYBACK**

Columbia, South Carolina has bought 300 guns in a Gun Amnesty Day held in the parking lot of Capital City Stadium on a recent Saturday.

Police paid more than \$10,000 for guns ranging from a rusty .22-caliber pocket pistol to a never-fired SKS hunting rifle in its original box.

### **TEXAS BILL TO EXTEND CONCEALED CARRY PERMIT TERM**

State Rep. Joe Driver (R-Garland) has pre-filed HB 225, a bill to extend the term of a renewed Concealed Handgun License from four to five years at the current \$70 renewal fee.

It will reduce the average annual cost of CHL and maintain the license holder's exemption from the federal instant check requirement when purchasing a firearm from a licensed dealer.

### **GUN BAN AT MISSOURI STATE FAIR**

Missouri's State Fair Commission has approved a ban on concealed firearms on the fairgrounds during the fair. William Bryan, deputy chief counsel with the state attorney general's office, advised commissioners that they could ban weapons as a gated amusement park.

The ban does not apply to parking areas, said Kim Allen, marketing director.

**AROUND  
THE  
WORLD**

**NEW ZEALAND DROPS GUN REGISTRATION**

Police Minister George Hawkins has confirmed that registration will not be in a bill he is preparing to tighten border control of illicit arms trading.

Hawkins said, "Police advice was that most of the times guns are used illegally, they are illegal guns and they don't know about them anyway."

The chairman of the Council of Licensed Firearms Owners, John Howat, agreed with the decision: "There's no evidence, anywhere in the world, that registration systems assist police in generally controlling firearms."

**RUSSIAN ARMY LOSES THOUSANDS OF GUNS**

Russian Interior Ministry says 178,000 weapons are missing from the nation's arsenals, and many have ended up in the hands of criminals.

Alexander Trudov, head of the Interior Ministry's criminal investigations department said 66,000 guns and pistols, 2,000 automatic rifles and 71 rocket launchers cannot be accounted for.

Maxim Pyadushkin, an arms analyst and editor of Russian-CIS Observer magazine, said the Defense Ministry only started taking an inventory of how many weapons it had in 1998.

**SOUTH AFRICA DESTROYS 20,500 GUNS**

Police destroyed more than 20,500 firearms in Johannesburg's Kempton Park in a recent bid to fight illegal guns in the country.

Police Senior Superintendent Mary Martins-Engelbrecht said, "The police are winning the war on the proliferation of illegal firearms."

She said the destroyed firearms included sub-machine guns, shotguns, rifles, handguns and gas pistols.

**PHILIPPINE JOURNALISTS WANT GUNS**

Two large media organizations on the island of Mindinao are asking Philippine National Police regional director Dante Tejada for permits for journalists to carry firearms in public.

Senator Aquilino "Nene" Pimentel, Jr. said "guns-for-hire" thugs kill media reporters with "impunity" in Mindinao.

Twelve journalists have been killed in the past year in Mindinao, a result of media coverage of crime in the area.

**BRITISH LORD PROMOTES THE RIGHTS OF CRIMINALS**

The United Kingdom's most senior lawyer, Attorney General Lord Peter Goldsmith, struck out against giving homeowners more rights against intruders by saying that criminals must have the right to protection from violence and existing law is adequate.

Prime Minister Tony Blair has pledged to review the law with the intent of enlarging the rights of householders to fight back against intruders, who can now sue their victims for any injury they sustain while robbing them.

Lord Goldsmith's incredible defense of thugs led to accusations by the opposition that the government was dangerously split on the issue.

The Prime Minister appears to be firm about reviewing the law.

**BURUNDI BURNS GUNS TO MARK END OF TRIBAL WARFARE**

The disarmament and demobilization of rebels and regular soldiers in this Central African nation was marked recently in a gun-burning ceremony in the capital city of Bujumbura.

About 100 military pistols and rifles were thrown by Burundian President Domitien Ndayzeye and UN Mission head Carolyn McAskie into a large bonfire.

Demobilized soldiers from both sides of the decade-long war between Tutsi and Hutu will receive 18 months salary and aid in setting up small businesses.

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

● **Fort Knox, Kentucky:** Gaston Glock, president of gun manufacturer Glock Inc., presented a check from his firm for \$200,000 to retired Maj. Gen. Richard D. Chegar, president of the Board of Trustees for the Patton Museum Foundation, at a ceremony in Abrams Auditorium. The Museum, dedicated to World War II hero General George S. Patton, is undergoing a \$35 million expansion.

● **Norman, Oklahoma:** University of Oklahoma geology professor David Deming has filed a lawsuit against the school for violating his academic freedom by demoting him after he criticized the anti-gun Oklahoma Daily newspaper in a letter to the editor. Deming's pro-gun rights views were the cause of his demotion in spite of having tenure and in the face of a conspiracy by university leaders to spike his funding, according to the lawsuit. The Foundation for Individual Rights in Education (FIRE), a non-profit group, is assisting Deming.

● **Waterbury, Connecticut:** William Bechard, 52, is a federally licensed gun collector who saw a classified ad in the Bargain News and went to Hartford to buy a .32-caliber revolver and a .38-caliber revolver. Bechard owns nearly 100 rifles and handguns, nearly all of them more than 50 years old. He bought the two revolvers for about \$300. Believing they were antiques made before 1890, requiring no registration, he did nothing until two State Police detectives showed up at his door and arrested him. They said the guns were made in 1902 and 1903, were not antiques and must be registered. Bechard now faces two counts of illegal transfer of a firearm, a felony, and up to 10 years in prison if convicted of both charges.

● **Denver, Colorado:** Denver Nuggets forward Rodney White has pleaded guilty on two weapons charges and agreed to 100 hours of community service to get a third charge dropped. He spent two weeks in jail after he and two other men were arrested in Washington, D.C. in September for allegedly shooting randomly into the air. White pleaded guilty to charges of possessing an unregistered firearm and unregistered ammunition. Prosecutors agreed to dismiss a charge of carrying a pistol without a license if White completes his community service by September 6, 2005.

● **Springfield, Massachusetts:** Smith & Wesson Corp., the legendary 152-year old handgun maker, in conjunction with The Police Officers Safety Association, is hosting the first Isabella de Bethencourt Memorial COPS4KIDS Match on March 19, 2005. All proceeds from this law enforcement tactical style pistol match will benefit the Jimmy Fund at the Dana-Farber Cancer Institute. In May 2003, eleven-month old Isabella de Bethencourt succumbed to cancer at Children's Hospital in Boston after living most of her short life there. Her parents Heather and Michael created the event to raise money for the hospital to help other children like Isabella. Michael is a well-known police trainer. The event is open to all law enforcement officers.

● **Newtown, Connecticut:** A National Safety Council report shows that accidental firearm-related fatalities continue to decline and are at the lowest level in the history of record keeping. In 2003, 101,537 U.S. residents died in accidents of all types. Less than one percent, 700, involved firearms. The most common deadly accidents involved motor vehicles, fall and poisonings, claiming 72 percent of all accidental deaths.

● **Tallahassee, Florida:** Nationally renowned gun-rights advocate Marion P. Hammer has been named to the state Women's Hall of Fame by Gov. Jeb Bush. The Florida Commission on the Status of Women, within the state Attorney General's office, selects 10 finalists before the governor chooses three for induction. Hammer, 65, said she was surprised and honored by her upcoming induction in March. While Hammer is most known for her presidency of the National Rifle Association, she was also nominated for leading gun-safety training, including classes that have reached more than 17 million children in all 50 states.

# Parting Shot

## RETIREMENT PLANNING NEVER COVERED THIS

Retired businessman Clyde Colley, 84, lives with his wife in the tiny rural community of Sandlick, Virginia, near the border with Kentucky.

At about 7 p.m. one recent evening, there was a knock at their front door. Mrs. Colley answered and an unknown man in a ski mask stood there with a gun.

The man was Mazel Sexton, 24. He forced his way in and then used his walkie-talkie to notify an accomplice, Hubert Howard, 39, that he was in and to join him.

Howard barged in, also wearing a ski mask. He began ordering the elderly Colleys around, telling them to get on the floor.

Now Sexton held the gun on them while Howard ransacked the house, breaking everything in sight, kitchen appliances, telephones, the television. It went on for more than an hour. Clyde Colley realized the men intended to kill him and his wife when they were done, and started to get up off the floor.

Sexton shot him in the calf with his .25-caliber pistol. Howard quit his vandalizing to see what had happened.

Colley, now subdued and in burning pain, asked the men if he could just sit on the couch for a while to ease the gunshot injury.

Howard told him to move slowly and Colley crawled up and onto the couch.

Howard went on wrecking the home, evidently searching for something.

Colley sat on the couch next to an end table and reached into it. He pulled out his .38-caliber special and fired at Howard, missing.

He fired again and hit the thug square in the head, killing him.

Sexton, seeing his partner in crime dead, fled.

Mrs. Colley then went for help - the phones were all smashed - finally flagging down a motorist on the nearby highway who called for help.

Police arrived at the scene and took Colley to Dickenson Community Hospital where he was treated for the gunshot wound.

Virginia State Troopers quickly located Sexton in Letcher County, Kentucky. He waived extradition, was arrested and taken to Dickenson County Jail, where is being held without bail on two counts of robbery, two counts of abduction, two counts of burglary, maliciously shooting with intent to kill, use of a firearm while committing a felony and unlawfully shooting Colley in the commission of a felony.

Dickenson County Sheriff Bobby Hammons said no charges would be filed against Colley. "He's a hero in my book," he said.

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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