

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 122

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Dear Subscriber,

The 109th Congress convened less than a month ago, **but gun rights battles are already front and center.**

Rep. ROSCOE BARTLETT, a Maryland Republican, has introduced H.R. 47, **the Citizens' Self-Defense Act of 2005**, which would specifically **protect the right of law-abiding citizens to use handguns, rifles and shotguns in defending themselves, their families or their homes.**

More significantly, **the bill would allow people whose self-defense rights have been violated by any government entity to bring legal action in federal court.**

The bill has been referred to the House Judiciary Committee. The bill is similar to earlier versions submitted by Rep. BARTLETT, which failed to draw adequate support for passage.

JOHN MICHAEL SNYDER, public affairs director for the Citizens Committee for the Right to Keep and Bear Arms, said **his organization is determined to make the individual right to keep and bear arms an indisputable matter of public policy.**

Support for Rep. BARTLETT's bill is growing as gun rights advocates learn of its introduction and referral to Judiciary.

LARRY MORRIS, an Illinois State Rifle Association representative, noted that his state recently passed a measure similar to BARTLETT's federal bill, even though it required the Legislature to **override the veto** of Gov. ROD BLAGOJEVICH.

"Congress needs to follow Illinois' lead and pass the BARTLETT bill," said State Representative JOHN BRADLEY (D-Marion), author of the Illinois gun rights legislation.

However, **gun-owners are upset with newly confirmed U.S. Attorney General ALBERTO GONZALES.** CNN reported late last month that Gonzales testified before the Senate Judiciary Committee, "The president has made it clear that he stands ready to sign **a reauthorization of the federal assault weapons ban** if it is sent to him by Congress. I, of course, support the president on this issue."

Earlier, GONZALES spoke at his confirmation hearing about "my brother Tony, who is a 26-year veteran of the Houston Police Department and a SWAT officer."

GONZALES also told the Senate Judiciary Committee, "I am concerned about the violent crime in our society. **I am concerned about the use of certain kinds of weapons** in connection with those crimes."

Gun rights advocates will be monitoring GONZALES, who was confirmed by a 60-36 Senate vote, 54 Republicans and six Democrats voting for confirmation.

In another hot federal issue, **the Justice Department has launched a campaign against people buying guns for criminals.**

Education will be a major part of the "Don't Lie for the Other Guy" project, teaching firearms retailers how to detect and deter the false - or "straw" - purchases by people with clean criminal records who then pass them to convicts or underage youths.

The National Shooting Sports Foundation, the gun industry trade group, has given presentations for the program, explaining that a single count of buying a gun for someone who can't legally own one can result in **10 years in federal prison.**

Also in this issue: ● *Gun control in South Africa* ● *Florida's deadly force bill* ● *Missouri county finally issues concealed carry permits* ● *Ex-cop gets 64 months for selling guns to gangs* ● *Michael Moore's bodyguard arrested for guns in airport* ● *What did they deserve? in our Page Eight "Parting Shot"*

**AT THE
FEDERAL LEVEL**

GLOBAL ANTI-GUN NON-PROFITS PRESS FOR TRACING TREATY

Three international anti-gun groups, Amnesty International, Oxfam International and the International Action Network on Small Arms, have called upon the United Nations for **a legally binding global marking and tracing treaty** covering small arms and ammunition.

A report by the three groups complained that "while weapons and ammunition often carry serial numbers, there is no worldwide system to record the information and make it available worldwide."

Their goal: "A worldwide marking and tracing mechanism would help enforce arms embargoes and identify international brokers who violated national or international laws, ultimately saving lives."

In fact, **such a system would merely be a United Nations gun registration program.**

Governments and arms manufacturers resist imposing such a global bureaucracy on firearms for reasons of privacy, expense and gun rights.

**AROUND
THE
WORLD**

SOUTH AFRICAN GLITCH #1: GUN AMNESTY ISN'T WORKING

Police in KwaZulu-Natal are complaining that **their amnesty, allowing people to hand in illegal guns without prosecution, is not getting many guns.**

Only 31 firearms and 972 rounds of ammunition were handed in at police stations during the month of January.

Police warned that anyone found illegally possessing firearms after the amnesty period, which ends March 31, could face criminal prosecution.

SOUTH AFRICAN GLITCH #2: RELICENSING LEGAL FIREARMS BECOMING A NIGHTMARE

South Africa's recently passed Firearms Control Act **requires new standards for existing owners of legal firearms to be relicensed.**

But the proposed rules for relicensing are **so restrictive** that the South African Gun Owners Association is **preparing a lawsuit** to challenge them if left as published by the National Qualifications Authority.

Martin Hood, the Association's legal representative, said that the draft unit standard, as the proposed regulation is called, applies **all sorts of conditions other than those specified in the Firearms Control Act**, which mandated the relicensing.

For example, existing legal gun owners would be tested not only on the Firearms Control Act, which is all that the law requires, **but also on the contents of the Domestic Violence Act, the Criminal Procedure Act and parts of the national constitution.**

The regulation writers went beyond their authority, Hood said. The courts are now the only recourse.

PHILIPPINES PRESIDENT GRANTS AMNESTY TO LEGALIZE UNLICENSED GUNS

President Gloria Macapagal-Arroyo has approved an amnesty aimed at reducing the number of unlicensed guns in the Philippines. Her Executive Order 360 allows those with unlicensed firearms **to get them licensed** by paying a fee based on the power of the gun.

High powered guns, including M16 Armalite rifles and M14, Uzi and Ingram machine pistols, can be licensed for P3,500 pesos (about US\$60), while low powered guns such as those of .38-caliber, 9 mm, .32-, .25- and .22-caliber can be licensed for P2,500 pesos, about US\$45.

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RUSSIAN MAIL CARRIERS NOW CARRY GUNS

Russia doesn't have a viable bank checking system - a flaw carried over from the old Soviet communist days. So people pay many bills in cash, stuffing it into envelopes and sending it across the country's 11 time zones in the mail.

Everybody knows that, so mail carriers are a prime target for robbers.

The Russian government has decided to **equip its mail carriers and their bosses with guns**. The guns, preferably revolvers, will be given to unspecified carriers.

The decision must be approved by the justice ministry.

**AROUND
THE
WORLD**

BELGIAN GROUP WANTS TOTAL GUN BAN

Belgium's social-liberal Spirit party has called for a **total ban on the private possession of firearms** after a report showed that 2 million guns are in private hands in the country.

However, **the nation's central registry shows only 669,273 guns**. Deputy Prime Minister and Justice Minister Laurette Onkelinx is expected to support more oppressive gun laws, but not a total ban.

NORTHERN IRISH FIREARM TRADE BLASTS NEW GUN LAWS

New gun laws in Ulster came in for criticism from the Gun Trade Association, which warned that **the legislation could unfairly affect shooting as a sport** - and threatens the Irish National Rifle team.

Association chairman David Robinson said team members from the republic are to have their Northern Ireland firearms certificates effectively revoked by the legislation.

The new law **changes the renewal process into a re-granting process**, examining the fitness of the gun owner every five years, with invasive questions to their doctor about depression and stress. Each gun owner must also provide two references to vouch for the owner for the past two years.

ENGLAND'S GUN BAN GIVES IT HIGHEST CRIME RATE IN THE WORLD

A new United Nations report shows that **England and Wales have the highest crime rate among the world's leading economies**.

The U.N. won't acknowledge it, but now that guns are outlawed, only outlaws have guns in the U.K. People are **more likely to be mugged, burgled, robbed or assaulted** in the U.K. than in America, Germany, Russia, South Africa or any other of the world's 20 largest nations.

Only the Dominican Republic, New Zealand and Finland have higher crime rates.

Four thousand people were shot in Britain in a single year, April 2002 to March 2003, as criminals with guns mow down defenseless citizens without guns.

ENGLISH VICTIM OF VICIOUS BURGLARY TO BE SENTENCED FOR HAVING A GUN

Steven Chapman of Clapham, **has been prosecuted from his hospital bed** for possessing a .32-caliber pistol at home for protection.

Chapman called police following a gang attack at his home on May 30 last year.

As usual in Great Britain, **police arrested the victim** instead of the criminals.

Prosecutor Jason Cross told Inner London Crown Court that **"Chapman had been assaulted viciously in a burglary by a number of men carrying weapons including firearms."**

Police questioned Chapman in the hospital and told him they intended to search his home.

Cross explained to the court, "Chapman told police about his gun and he appears to have said it was put through his letterbox with a note reading, 'This may help,' and it was for protection."

Chapman is due to be sentenced this month.

Perhaps a citizenry that puts up with such nonsense deserves what they get?

ARKANSAS CONSTITUTIONAL AMENDMENT TO PROTECT HUNTING PROPOSED

State Senator Steven Faris (D-17) has introduced SJR 1, proposing an amendment to the Arkansas Constitution that would protect the right to hunt in Arkansas.

At least 10 states have constitutional provisions designating hunting, fishing, or both as rights, according to the National Conference of State Legislatures. Some also include trapping, and some states have written such rights into state law.

IN THE STATES

Voters in Montana and Louisiana amended their constitutions with hunting and fishing rights in the November election, both winning approval of 81 percent of the people.

SAN FRANCISCO TO PUT HANDGUN BAN ON BALLOT

City Supervisor Chris Daly has proposed a measure that will appear on San Francisco's municipal ballot in November, or perhaps as early as July, to bar residents from keeping handguns in their homes or businesses. It also would prohibit the sale, manufacture and distribution of any firearms or ammunition in San Francisco, where residents have bought nearly 22,000 handguns since 1996, according to the state attorney general's office.

Sam Paredes, executive director of Gun Owners of California, said his organization is asking election officials to keep the initiative off the ballot and will sue if necessary.

COLORADO REPRESENTATIVE TRIES UNSUCCESSFULLY TO FIX GUN-SHOW RULES

Rep. Ray Rose (R-Montrose) introduced HB 1023 in the House Judiciary Committee, to remove confusing and imprecise language from Amendment 22, the "gun-show loophole" law approved by voters in 2000 after the 1999 Columbine High mass murder.

"This will not remove the background check" Rose told a committee hearing, but would eliminate language requiring a background check of anyone "attempting" to buy a gun at a gun show.

Committee member Greg Brophy (R-Wray) said, "We're criminalizing browsing here."

Committee Democrats defeated the bill on a 6-4 party line vote, but Rose said he wasn't giving up on changing the law despite three defeats in as many years.

FLORIDA BILL WOULD BROADEN LAWFUL USE OF DEADLY FORCE

State Senator Durell Peaden (R-Crestview) has proposed legislation to make sure people have a right to use deadly force to shoot home intruders without fear of prosecution. As Florida's law now reads, people who use deadly force against someone in their home must be responding to a threat of death or great bodily harm.

Peaden's bill would make any intrusion on someone's property, or a home they're visiting, their RV, car or tent, a threat that by definition justifies using deadly force.

Prosecutors are opposing the bill, and a Senate hearing has been postponed.

CHICAGO MAYOR DALEY URGES LAWMAKERS TO ADOPT GUN CONTROL LAWS

Following a defeat in the courts, Mayor Richard Daley wants legislators to approve two new proposals that courts wouldn't approve.

One would criminalize gun dealers who "knowingly sell firearms to criminals," with vague standards not based on criminal records in the National Instant Criminal Background Check System. The other would allow victims of criminals who use guns to sue dealers who knew the firearm was sold illegally, again with vague language about what constitutes a "knowing" sale.

Daley's proposals are a response to his stinging defeat when the Illinois Supreme Court dismissed two City of Chicago lawsuits in November.

The lawsuits alleged gun manufacturers, distributors and sellers caused a "public nuisance" by saturating the metropolitan area with guns "they knew would end up in criminals' hands."

Illinois legislators are not likely to pass either bill.

INDIANA SETS STAGE FOR PROTECTION OF RIGHT TO HUNT

The Indiana House of Representatives has voted 83-15 to put a referendum on the 2008 ballot amending the state constitution to protect the right to hunt, fish and harvest game.

IN THE STATES

Rep. John Ulmer (R-Goshen) has been pressing for the measure for many years and declared that the vote is a victory for "our children and grandchildren."

MARYLAND LEGISLATORS ACT TO REPEAL BALLISTIC "FINGERPRINT" LAW

Delegates Joan Cadden (D-Anne Arundel), Norman H. Conway (D-Wicomico) and Michael D. Smigiel Sr. (R-Cecil) have introduced a bill **to repeal a law** passed in 2000 requiring handgun manufacturers to test-fire all handguns sold in Maryland and send the spent shell casing to the state police. The police file **the shell's ballistics markings** in a database, which officers can use to match shell casings found at crime scenes.

But the Maryland State Police issued a report last month saying **the so-called "ballistic fingerprinting" that has cost the state over \$2.5 million during the past four years doesn't work and should be junked.** The legislators agreed.

MISSOURI COUNTY FINALLY ISSUES CONCEALED CARRY PERMITS

Jackson County challenged the state's new concealed carry law in September 2003, arguing it was unfunded. The Missouri Supreme Court agreed, and while other counties came up with the money and started to issue the permits, Jackson County did not.

The county legislature just voted \$48,000 to pay for overtime in 2005, and **Sheriff Tom Phillips ordered the permits be made available.** Applicants will undergo a background check and permits could take up to 45 days to issue.

NEBRASKA TRIES FOR CONCEALED CARRY - AGAIN

Senator Jeanne Combs (R-Friend) has introduced a concealed carry bill that would allow Nebraskans to carry a handgun as long as it is completely hidden.

A similar bill has been introduced to the state's unicameral chamber at least eight times before. Nebraska is one of only four states that have no form of concealed carry law, along with Wisconsin, Illinois and Kansas.

NEW HAMPSHIRE BILL TRIES TO RESTRICT GUN RIGHTS

A bill to make possession of a gun in school zones a misdemeanor drew a crowd at a legislative hearing late last month. The measure would strike the word "unlawful" from the law prohibiting possession of guns in school zones, **making even lawful possession a crime.**

Gun rights advocates oppose the bill, which has failed to pass at least three times previously.

NEW MEXICO FIREARMS DISCHARGE BILL TABLED

The House Consumer and Public Affairs Committee has tabled HB 161 by a vote of 3-3. The bill sought **to ban the discharge of firearms within 450 yards of any building or dwelling.**

NEW YORK URGED TO FOLLOW MARYLAND'S LEAD ON BALLISTICS

The New York State Rifle & Pistol Association has called upon Governor Pataki to do as Maryland's State Police advised Maryland's Governor, and **disband New York's ballistic imaging program** because it costs about \$4 million a year and has provided no results.

OREGON FRIVOLOUS LAWSUIT BILL CONSIDERED

Rep. Chuck Burley (R-Bend) and Sen. Ben Weslund (R-Tumalo) have introduced a bill **giving immunity to firearm manufacturers and sellers from liability unless a product is defective.** Thirty-three states ban such lawsuits by cities and counties.

DISTRICT OF COLUMBIA GUN FOES STILL TRYING TO SUE GUNMAKERS

Victims of criminals using guns recently appeared before the D.C. Court of Appeals in an effort **to keep alive their lawsuit blaming gun manufacturers for the acts of third parties.**

IN THE COURTS

Last April, a three-judge appeals court panel reversed a lower court that had dismissed the suit on two points, but both plaintiffs and defendants asked that the full court hear the case.

Chief Judge Annice M. Wagner and six other judges heard arguments on product liability, the Constitution's Commerce Clause and numerous other points, with **Lawrence S. Greenwald representing Beretta USA.**

CALIFORNIA GUN SUIT TO GO FORWARD

The U.S. Supreme Court has refused to hear a gun manufacturer appeal of a lower-court ruling that **allows a suit to proceed against the makers of guns** used by Buford Furrow to shoot three children, a teenager, an adult at the Jewish Community Center in Granada Hills, California and kill a postal worker in 1999.

The mother of the dead postal carrier and the three children sued the manufacturers and distributors of the guns Furrow carried, including Glock Inc.

A federal judge dismissed the suit, but a federal appeals court reinstated it, saying the plaintiffs had a claim under state law. The case will now proceed.

COURT ORDERS JUDGE TO SENTENCE ELDERLY GUN SELLER

The Sixth U.S. Circuit Court of Appeals in Cincinnati has ruled that District Judge Tom Varlan was wrong for refusing to send a 71-year-old retired steelworker to jail for illegally selling guns at Tennessee flea markets to convicted felons hired by federal undercover agents in 2002.

Officers arrested **23 elderly gun dealers** and nine received jail terms from five to 41 months, with others placed on probation because they had no prior criminal record. Olen Allman should also have been jailed, the appeals court said.

PHILADELPHIA OPENS SINGLE-PURPOSE "GUN COURT"

Common Pleas Court Judge Jeffrey Minehart has been assigned to preside over **a special court to deal only with gun criminals.**

The Philadelphia gun court prosecutes **simple possession crimes** and provides intervention for the offenders to keep them from going on to commit more serious crimes with guns.

The court was established with half a million dollars in state money.

MINNESOTA CONCEALED CARRY LAW RECONSIDERED

Attorney General Mike Hatch told the Minnesota Court of Appeals that lawmakers attaching **the state's concealed carry law** to a natural resources bill did not violate the state Constitution, which limits bills to a single subject.

Hatch said **the law should be reinstated.** A Ramsey County District Judge threw it out a year ago because guns were a different subject from natural resources.

Tying the gun law to rules on hunting and snowmobiles was correct because they're all government regulation of potentially hazardous devices, Hatch said.

EX-COP GETS PRISON FOR SELLING GUNS TO GANGS

Dennis Kalinowski, 62, a former State Police sergeant, has been sentenced to 64 months in prison for selling guns to gang members out of his North Riverside, Illinois home.

Kalinowski pleaded guilty to a federal weapons charge of **selling three semi-automatic pistols to a government informant in order to obtain crack cocaine.**

ANTI-GUN GROUP TOUTS WAL-MART GUN SETTLEMENT

Wal-Mart's \$14.5 million settlement with the state of California over the store's high number of gun violations is the subject of a news release by Americans for Gun Safety, as part of its 2005 campaign **to get guns out of Wal-Mart.**

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Los Angeles:** Prof. Chris Burden and Prof. Nancy Rubins, internationally known artists who taught at UCLA for more than 20 years, have resigned because a graduate student at the University appeared to point a loaded handgun at his head and pull the trigger during a classroom performance art piece. The couple said there should have been more outrage and a firmer response, so they quit.

● **New York City:** Patrick Burke, bodyguard for anti-gun film director Michael Moore, was arrested by New York Port Authority Police for declaring his firearm at the ticket counter, as required by law. The catch is that it is a felony to possess a firearm without a New York license, and Burke is licensed only in Florida and California. The Second Amendment Foundation said Moore is a hypocrite for attacking the gun rights of everyone else, but wants an armed bodyguard to protect his own life. SAF suggested Moore pick up the tab for Burke's lawyers.

● **Kent, Ohio:** Officials at Kent State University's Office of Campus Life have refused to consider the Second Amendment Club's application for recognition, says Luke Adams, who founded the club this past fall. "We asked Kent State to recognize our Second Amendment group, and they treated us like second-class citizens." Kent State recognizes several liberal groups, such as the Anti-War Coalition and Students Eliminating Environmental Destruction. The conservative Leadership Institute helped the Second Amendment group organize.

● **Fairfax, Virginia:** Where are the machete control groups? The long, curving knives have become the weapon of choice for northern Virginia gangs, which are mostly made up of Latinos from Central America. In the past two years, Fairfax has listed machetes in 40 police reports, ranging from random suspicious persons to gang fights. Two gangs, the Mara Salvatrucha Thirteen (MS-13) and the South Side Locos, have frequently chopped fingers off each other in machete attacks. Khalique S. Zahir, a surgeon at Inova Fairfax Hospital, said he has seen machete wounds on scalps, fingers and legs. Virginia legislators passed a law last year including machetes on a list of weapons that cannot be concealed.

● **Orland Park, Illinois:** The Village of Orland Park is looking at ways to regulate pellet gun sales, maybe even going so far as a complete ban, to keep realistic-looking versions of the guns out of town. Now anyone 13 or older can buy pellet guns, which are usually distinguished by orange barrels. Trustee Ed Schussler, chair of the police committee, asked Police Chief Tim McCarthy to see what the village can do to limit kids' access to realistic pellet guns, claiming that a youngster might be shot by police who couldn't see a gun was a fake.

● **Sacramento, California:** A law making it illegal to possess a gun not registered with the state can result in either felony or misdemeanor charges, depending on whether the offender had a good reason to have the gun - for instance, if the firearm was registered to a spouse or close relative it is only a misdemeanor. However, 70 percent of blacks and Latinos arrested for unregistered firearms are charged not with a misdemeanor, but with felony possession, compared to only 40 percent of whites. The National Association for the Advancement of Colored People says the difference results from racial prejudice. The law's author, Democratic state Sen. Jack Scott, said the difference was due to blacks and Hispanics being charged with other felonies at the same time, while whites were not.

● **Las Vegas, Nevada:** The National Rifle Association has withdrawn its support from the Outdoor Writers Association of America (OWAA) because OWAA's leadership sided with the Sierra Club's 2004 political campaign to defeat pro-gun and pro-hunting candidates by endorsing a slate of opposing candidates. NRA opposition to the Sierra club campaign was met with criticism by OWAA leaders. NRA President Kayne Robinson pointed out the irony of OWAA criticism of the NRA: "This is an organization of journalists. Yet as soon as we criticized the Sierra Club, we were attacked by the OWAA board in a clear exhibition of bias against free speech for its own members." A large number of OWAA members are leaving the organization.

Parting Shot

YOU GOT WHAT YOU DESERVED

Ngoc Le, owner of a small grocery store in downtown Camden, New Jersey, had not heard about the rapist terrorizing the city.

But when he saw a masked man holding his wife at knifepoint, Ngoc shot the man in the head, killing him instantly.

Five days later, DNA tests showed that the dead man, Antonio Diaz Reyes, was responsible for three sexual assaults in November and December.

Across the country in Modesto, California, Greg Collins had his home burglarized six times in three weeks. Intruders stole tools from his garage, tools used in a remodel job adding a floor to his house.

Police were having no luck catching the thieves, even though neighbors gave descriptions of two men "who seemed to be on drugs."

So Collins kept watch in his garage one recent night, two loaded shotguns by his side. He fell asleep, but was awakened about 5:30 a.m. by a loud crash when someone opened the garage door and upset a box Collins had laid against it.

Collins, still groggy from sleep, grabbed his shotgun and told the intruder to freeze. Instead the burglar lunged at him.

"I aimed low and shot him," Collins said. The intruder was wounded in the left elbow and hip and ran away. Michael Sanchez, 26, collapsed about 2 blocks away. He was taken to Doctors Hospital, where he was treated and released to police, who charged him with burglary.

Ritchie Chapman used to work for the New York City Fire Department, where he was one of the first on the scene at the failed 1993 Islamist attack on the World Trade Center. Some years ago he retired to Bowie, Arizona, where he is now the night manager of the Mountain View RV Park store.

One night not long ago, at 5:45 a.m. a man walked into the store and told him that this was a robbery and to give him all the money in the cash register.

Chapman said, "I saw his gun coming out. He reached inside his sweatshirt. I saw a gun and I said, 'Oh well, time to react.' I reacted faster than he did."

Chapman fired one shot. It went through 24-year-old Johnny Williams' shoulder.

Chapman called 911 as the robber ran through the parking lot and fled in his truck. Police apprehended Williams when he sought medical treatment for the gunshot wound at a hospital in nearby Willcox.

Police then identified Williams as the suspect in the January kidnap-murder of Wal-Mart clerk Megan Holden, 19, in Tyler, Texas. He was returned to Texas for trial after waiving extradition.

Alan M. Gottlieb

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