

# The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 124

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Dear Subscriber,

**The gun control crowd is going after ammunition again.** But this time the complaint includes the gun that fires it, the Fabrique National Five-sevenN, a Belgian-made handgun capable of firing an armor piercing cartridge, the SS192 - as well as ordinary non-armor piercing rounds.

Five Democrats, Rep. ELIOT ENGEL, Senators CHARLES SCHUMER and HILLARY CLINTON of New York, and Senators FRANK LAUTENBERG and JON CORZINE of New Jersey, have introduced the so-called, "Protect Law Enforcement Armor Act" **to ban the Five-sevenN and SS192 armor piercing cartridges for civilian use.**

The Brady Campaign to Prevent Gun Violence bought a Five-sevenN and fired numerous rounds into police bullet proof vests, reporting that **all those tested were pierced.**

When National Rifle Association President WAYNE LaPIERRE criticized the tests, MIKE BARNES of the Brady Campaign suggested that LaPIERRE "put on a bullet proof vest, and we'll fire the weapon at him, and see what happens. He should put his body where his mouth is."

It's a snappy - **and nasty** - comeback, but **it doesn't say that the Brady Center's tests were valid**, a typical ploy of gun control media bluff.

Rep. ENGEL said, "This gun is designed for one thing, to kill police."

Ironically, many **cops aren't afraid of the "cop-killer" gun**, saying other kevlar-piercing bullets have been on the street for years, and **an officer's training and weapons do as much for safety as the vests.**

Plus, the cartridges covered by the bill, H.R. 1136 and its Senate companion, S. 527, are already illegal for import and commercial sale in the United States, making the whole thing look like propaganda to satisfy gun control groups.

In a related issue, Sen. LAUTENBERG is also pushing his anti-gun agenda with a **Government Accounting Office (GAO)** report he requested on firearms purchased last year by 35 **"suspected terrorists."**

The report concerned people on **"terrorist watch lists,"** people who had **not been charged with or convicted of any crime, but whose names somehow got on a government list.**

How did they get there? *We don't know.*

How does an innocent person get their name off? *We don't know.*

But 35 people on the watch list bought guns in 2004, and they were able to do so because the watch list isn't included among the National Instant Check System (NICS) lists of disqualified buyers.

So now Sen. LAUTENBERG has introduced S. 578, the **"Terrorist Apprehension and Record Retention Act"** that requires the NICS system to scan the federal "Violent Gang and Terrorist Organization File" for "known or *suspected* terrorists."

That's not the worst red flag: LAUTENBERG's bill requires **all NICS records to be "retained for a minimum of 10 years."**

Which means that if he ever gets one of his gun ban bills passed, he'll know just where to go to find the guns.

It's nothing but a back-door gun registration system in disguise.

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**Also in this issue:** ● *Teen wins gun T-shirt lawsuit* ● *Florida has self-defense law* ● *Nebraska considers concealed carry again* ● *Soldiers get grace period for concealed carry permits* ● *Baghdad shopkeepers shoot terrorists* ● *Burglar beware in our Page Eight "Parting Shot"*

**AT THE  
FEDERAL LEVEL**

continued from Page 1

California gun-control Senator DIANNE FEINSTEIN (D-CA) has introduced S. 620, the **Assault Weapons Ban Reauthorization Act**, in an effort to turn back the clock on the ban that expired in September after 10 years of failing to control crime.

Gun control has been a signature issue for FEINSTEIN since she was elected to the Senate in 1993. It's no surprise that she is attempting to reinstate the gun ban she supported in 1993, when it was narrowly approved, but with a 10-year "sunset" provision.

Reauthorization failed last March, when it was added to the frivolous lawsuit bill and caused it to die in the Senate.

Although FEINSTEIN's assault weapons ban reauthorization bill has no chance of passing in 2005 - along with three other bills affecting semiautomatic firearms - it will lurk as a threat that could be slipped in as an amendment to other more desirable bills.

On a more upbeat note, Rep. JOHN HOSTETTLER (R-IN) has introduced H.R. 1243, the **Secure Access to Firearms Enhancement (SAFE) Act**, a measure that protects the right of citizens who can legally carry in their home state - even without a permit, as in Vermont and Alaska - to carry all across the country.

HOSTETTLER's language has a huge advantage over other reciprocity-type bills in that it does not punish states for being too pro-gun. In the past, concealed carry bills in Congress sought to establish reciprocity only between states that issued concealed-carry licenses.

Sen. LARRY CRAIG (R-ID) thinks he now has the votes **to pass the frivolous lawsuit bill without any crippling amendments** like those that sunk the bill last year. The law would block lawsuits intended to bankrupt the firearms industry.

Gun makers last month told Congress that their industry could be financially crippled by lawsuits that seek to hold firearms sellers and manufacturers liable for crimes committed by unrelated third parties who use their products.

Sponsored by Rep. CLIFF STEARNS (R-FL) and Sen. CRAIG, the shield legislation would protect gun manufacturers, distributors, dealers, importers and industry trade groups, but only from frivolous lawsuits. Litigation dealing with unlawful acts committed by the gun industry itself would still be allowed.

The Second Amendment Foundation (SAF) has endorsed the call **to review the Patriot Act**, particularly sections allowing **invasive investigations** and provisions that allow police to obtain **"delayed-notification warrants"** to search homes and seize property, including firearms, before telling the owners.

SAF's endorsement went to **Patriots to Restore Checks and Balances** - a coalition of organizations and interests that includes the ACLU, tax reformers, medical privacy proponents and gun rights activists - to have certain sections of the Patriot Act reviewed. The coalition met last month in Washington, D.C.

The coalition requested Congress **not to reauthorize certain objectionable provisions of the USA Patriot Act** scheduled to sunset before the end of 2005.

"We need a discussion about whether the courts adequately supervise the federal government's surveillance authority," said Patriots chairman and former Congressman BOB BARR (R-GA), "and whether the FBI is focusing its investigative resources on terrorists, instead of on everyone else."

Gun owners are keenly aware that they could be singled out for unreasonable investigation under the current USA Patriot Act, which allows government to question third parties about you, including your doctor, your lawyer and virtually any other person who knows you. Such powers must be removed.

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### **GUN SHOW OPERATOR LOSES APPEAL**

A federal appeals court has ruled that Frank Krasner, owner of Silverado Productions, does not have standing to sue Montgomery County for a law denying funding to places that display firearms, such as the County Agricultural Center.

A three-judge panel of the 4th U.S. Circuit Court of Appeals said that Krasner was only indirectly affected by the county law. The County Agricultural Center told him he could no longer conduct gun shows there because of the new law.

## **IN THE COURTS**

The Ag Center is funded by the county and is directly affected by the new law, but, the court noted, was not party to the suit.

Krasner is considering an appeal to the U.S. Supreme Court.

### **TEEN WINS LAWSUIT OVER WEARING "MY RIFLE" T-SHIRT IN SCHOOL**

Fort Wayne, Indiana Community Schools officials violated an Elmhurst High School student's free-speech rights when they suspended him for wearing a T-shirt bearing the likeness of an M-16 rifle and the text of the Marine Corps creed, a federal court has ruled.

The district suspended Nelson Griggs in March 2003 for violating a provision of the school dress code that prohibits students from wearing clothing depicting "symbols of violence."

The court ruled that the dress code was overly broad.

### **BLAKE DOUGLASS YEARBOOK CASE APPEARS MOOT**

Avid trap shooter Blake Douglass wanted his high school yearbook photo to have his gun in it, but U.S. District Judge Steven McAuliffe ruled against it, saying that his fellow students, not the school district, made the decision against including the picture.

Douglass' attorney, Penny Dean, said she intended to appeal the decision, but the yearbook deadline, March 20, has passed with no legal action. Thus the photo likely will never be published.

If it's any consolation to Douglass, his photo with the broke-open shotgun over his shoulder has become famous because of the lawsuit.

### **TASER COMPANY WINS LAWSUIT**

A lawsuit against Taser International, Inc. has been dismissed, sending its shares 10 percent higher.

Plaintiff Nick Kerchoff alleged injuries when he volunteered to experience a Taser discharge during a device demonstration, but failed to convince the court.

### **MINNESOTANS AWAIT CONCEALED CARRY LAW DECISION**

The Minnesota Court of Appeals is expected to rule on the constitutionality of the state's new concealed carry law sometime this month. In two suits, opponents of the law have prevailed so far. Gun rights advocates hope for a victory.

### **APPEALS COURT MAKES DEFENDING OKLAHOMA GUN LAW HARDER**

The Oklahoma Court of Criminal Appeals has ruled that a law passed by the Legislature last year which prohibits employers from barring guns on company property in locked vehicles is criminal in nature, not civil.

The state argued the gun law is civil and should be thrown out of federal court. Now the constitutional question must be decided by a federal court.

### **DOES GOVERNMENT HAVE A DUTY TO DEFEND CITIZENS?**

Do state police officers or social workers have a duty to protect people who are in danger? No, according to a Supreme Court decision in 1989. The bizarre reasoning is this: the law says only a "state action" can be unconstitutional, so *failure to act* can't be unconstitutional. But now the high court is considering the question again in a case titled *Gonzales v. City of Castle Rock*, with a different legal theory. Maybe we can get some protection from the cops at last.

## **ARIZONA**

House Bill 1363, to allow patrons to carry guns in bars and restaurants that serve alcohol has passed the House Judiciary Committee by a vote of 6-3. It now faces full House debate. It has already passed the Senate. The only change to the bill was a requirement that establishments with signs warning that firearms are prohibited may forbid them.

## **FLORIDA SELF-DEFENSE LAW AWAITS GOVERNOR JEB BUSH'S SIGNATURE**

Florida lawmakers have approved a self-defense bill, which is awaiting Governor Jeb Bush's approval before it becomes law, against Democrat objections.

Governor Bush, who supports the bill, said that it will aid in curbing crime and protecting innocent life for Florida residents.

**IN THE  
STATES**

## **ILLINOIS LEGISLATURE LOADED WITH GUN BILLS, PRO AND CON**

One Illinois lawmaker wants to allow the state's residents to carry concealed firearms while another wants to allow gunshot victims to sue dealers who sold the gun. The concealed carry bill passed a House committee and is being considered by the full House. The dealer liability bill died in the Senate Judiciary Committee.

The Legislature is also considering a bill to legalize handguns for turkey hunting and a bill that would ban .50-caliber rifles and ammunition.

## **KENTUCKY PASSES CONCEALED CARRY IMPROVEMENTS**

SB 142, a bill to improve the state's concealed carry law has passed the Senate and House in the final days of the session. The new law will allow a gun owner whose permit has expired to continue to carry a concealed firearm by showing a receipt for payment for renewal - a measure to ease backlogs of applications.

## **MAINE GUN BILL PROGRESSES**

The Criminal Justice and Public Safety Committee has unanimously backed a bill to make anyone younger than 22 wait 10 days before buying a gun, and would require parental consent for anyone under 18 who wants to buy a rifle or a shotgun. Currently, 16- and 17-year-olds can legally buy long guns from a private seller, but no one under 18 can buy a handgun from a private seller.

## **MARYLAND BALLISTIC SYSTEM GETS MIXED SIGNALS**

Maryland's ballistic fingerprinting program, which has cost the state \$2.5 million to date, may be shut down. The Senate Judicial Proceedings Committee, which heard testimony on a bill to eliminate the program on March 1, has not set a date for a vote.

However, early this month the ballistic system was used to convict its first criminal, Robert Garner, who killed 22-year-old Kelvin Braxton outside a Popeyes Chicken restaurant in Oxon Hill last April. That could boost the system.

## **NEW MASSACHUSETTS GUN BANS PROPOSED**

Anti-gun forces have introduced a bill to ban .50-caliber rifles and the Five-seveN Herstal handgun made in Belgium. Two Democrats filed companion bills in the House and Senate. The two firearms are not covered in the state's existing "assault weapons" ban.

## **NEBRASKA CONSIDERING CONCEALED CARRY MEASURE AGAIN**

The Judiciary Committee of Nebraska's unicameral Legislature has revived the concealed carry bill that expired a year ago under the rule that bills only have a two-year shelf life to be passed, and it failed to pass in that time.

Now LB 454 has been introduced by Sen. Jeanne Combs of Friend, who says, "It's high time that law-abiding citizens have a way to legally carry concealed weapons." It's not a shoo-in, but the bill has a good chance this time around.

### NEVADA TO CONSIDER SHORT-BARREL GUN MEASURE

Gun owners have asked lawmakers to legalize antique and collectors' short-barrel rifles and shotguns. The state law has a blanket ban on short barrels they want changed. AB88 has been introduced to make the change.

### NEW MEXICO LOWERS MINIMUM AGE FOR CONCEALED CARRY

HB 641, a bill that lowers the minimum age for a Concealed Handgun License from 25 to 21, extends the term of a license from 2 to 4 years, allows you to qualify with any caliber handgun, and other improvements, is on its way to Governor Bill Richardson for his expected signature.

## IN THE STATES

### NEW YORK GUN BANS COULD EXPAND

State Senator Eric Schneiderman (D-Manhattan) has filed a motion to discharge his bill S. 2445 from the Senate Codes Committee. The bill would outlaw many more guns by name and would add specific features to the definition of what constitutes an illegal "assault weapon."

### NORTH CAROLINA SENATE APPROVES GRACE PERIOD FOR SOLDIERS

A Senate-approved bill would allow deployed military service members a 90-day grace period to renew their concealed handgun permits when they return home. The bill was approved by a vote of 44-2 and sent to the House for consideration.

### NORTH DAKOTA SENATE NIXES SHOOTING TEST

The state Senate has approved a firearms bill that would eliminate the concealed carry requirement of demonstrating safe handling and shooting skills. The tests were passed easily and meant little. The measure now goes back to the House.

### OHIO TRIES TO IMPROVE ITS NEW CONCEALED CARRY LAW

The Ohio Legislature is trying to change concealed carry rules. Rules are too strict for carry in cars and lists of permit-holders should be off-limits to journalists. Several bills are being considered to make the improvements.

### OREGON BILL GIVES MILITARY PERMIT HOLDERS A BREAK

Sen. Gary George (R-McMinnville) has introduced SB 793, to allow active duty military personnel to renew their concealed carry permits by mail.

### SOUTH DAKOTA REVISES CRIMINAL CODE TO RESTORE SOME GUN RIGHTS

Gov. Mike Rounds has signed a bill that will restore gun rights after one year to people convicted of misdemeanor family violence. Felony convictions will remain subject to loss of gun rights for life.

### TENNESSEE SENATE OKS GUNS IN BARS

The state Senate has passed a measure to allow concealed carry permit holders to take their firearms into establishments that serve alcoholic beverages. The permit holder cannot consume alcohol himself, and establishments may decide individually not to allow firearms in their businesses.

### TEXAS BILL WOULD PROTECT GUN OWNERS' NAMES

HB 318, a bill to protect the identities of concealed handgun carriers in Texas, has passed a House committee and is expected to gain final House passage as well. The Senate, which killed a similar bill in 2003, may do it again this year.

### VIRGINIA KILLS GUN SHOW RESTRICTIONS

The Virginia General Assembly has rejected a bill requiring all gun show vendors to carry a federal firearms license and submit to a background check. This means that Virginia laws concerning gun shows will remain unchanged. Criminals will continue to obtain their guns on the black market or in the projects, said Annette Gelles, owner of Showmasters, a gun show coordinator.

### **SOUTH AFRICA AWASH IN GUN CONTROL**

South African Minister of Safety and Security Charles Mqakula has reported that over 10,000 guns have been handed over voluntarily to the police since the start of a gun amnesty on January 1. The amnesty was declared after passage of the Firearms Control Act last year.

## **AROUND THE WORLD**

The amnesty is mostly getting unusable guns from elderly owners cleaning out closets, said Justin Willmers, owner of Durban Guns and Ammo. He sees high crime rates pushing South Africans to buy alternative weapons not covered by the law: crossbows, spears, swords, knives and pepper sprays.

A consortium of left-wing groups including Oxfam and Amnesty International released a report in Johannesburg saying "the world is awash in small arms," and demanding tough action by international cooperation. It was not clear how the groups intended to enforce their demands.

### **BAGHDAD RESIDENTS FIGHT TERRORISM: THEY SHOOT BACK**

Late last month, hooded terrorists in three cars sprayed bullets at shoppers in the Doura neighborhood of the Iraqi capital. Shopkeepers and shoppers alike pulled out their own guns and shot the terrorists dead.

A week earlier, townsmen in Wihda, 25 miles south of Baghdad, saw a group of militants preparing to attack their town and shot seven of them dead.

### **SLOVAKIA ENACTS UNIQUE GUN AMNESTY**

The usual result of gun amnesties that follow on the heels of new gun control laws is that the surrendered guns are destroyed and their owners are left without firearms for self defense. However, Slovakia recently passed an amnesty amendment to their Gun Control Act that allows citizens to turn in illegal guns, and if the guns are declared "clean" after inspection - not used in a crime - the owner may apply for a firearms license and purchase legal weapons.

### **SWISS TROOPS CAN KEEP THEIR ASSAULT RIFLES AT HOME, FOR A FEE**

Soldiers who have completed military service can keep their new StG 90 assault rifles, but they have to pay about \$87 to have their fully automatic capability disabled. The army's logistics division used to pick up the tab for reworking the older StG 57 rifles that Swiss soldiers took home.

### **MOZAMBIQUAN BISHOP PUSHES DISARMAMENT**

Anglican Bishop Dinis Sengulane of Mozambique heads a project that exchanges firearms for sewing machines, bicycles and building materials. Sengulane came up with the idea after peace negotiations in 1992 ended a 16-year-long civil war as a way to disarm former guerillas and give them something in return to make a living as civilians. He has kept up the project since then.

### **SCOTLAND CONSIDERS GUN CONTROL AFTER AIR RIFLE DEATH**

Two-year-old Andrew Morton was killed last month in Glasgow by an air rifle shot to the head. A 27-year-old man has been charged in the shooting, which triggered an outcry to ban air rifles in Scotland. Michael Howard, the Tory leader in Scotland's Parliament, has refused to support a ban, leading the toddler's 34-year-old mother, Sharon McMillan to furiously confront him at a political rally.

### **BRITISH WANT TREATY TO REGULATE WORLD ARMS TRADE**

The United Kingdom's foreign secretary, Jack Straw, has released details of a proposed treaty to regulate trade in conventional weapons which will be on the agenda for a meeting in July of the G8, the world's richest countries. A similar UN initiative four years ago was blocked by the United States because it infringed the Second Amendment rights of Americans. The United Kingdom does not recognize any right to keep and bear arms.

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

● **New York City:** Mayor Michael Bloomberg revealed his true agenda recently on his radio show when asked if all handguns should be banned. "I'm not so sure I wouldn't think that is a good idea," he said.

● **Columbus, Ohio:** Ohio sheriffs issued 45,497 licenses to carry handguns in the first eight months of the new concealed carry law, according to Attorney General Jim Petro's office. The numbers of concealed carry licenses issued ranged from a high of 2,285 permits issued in Clermont County in southwest Ohio to a low of 46 in Paulding County in northwest Ohio, Petro said. Sheriffs say they denied 428 applications for failure to meet the requirements of the law. Only 42 licenses have been revoked and 76 have been suspended.

● **Springfield, Illinois:** Police arrested anti-gun activist Annette Stevens for having an illegal handgun and drugs in her home during a contested search. Stevens became an activist with the Million Mom March after her son was gunned down in 2002. She has acknowledged having the gun - from which the serial number had been removed - in her home. The handgun belonged to her late son, Jericko Clark, she insisted, and she had simply wrapped it up and forgotten about it after finding it several months after his slaying. She claims the search was illegal.

● **Pittsburgh, Pennsylvania:** Dimitri Vassilaros, columnist with the Tribune-Review, commented recently on the slaughter in Sudan, where unarmed victims in refugee camps cannot defend themselves. He quoted Trish Katyoka, director of Africa Advocacy as saying, "We at Amnesty International are not going to condone escalation of the flow of arms to the region. You are empowering (the victims) to create an element of retaliation. Whenever you create a sword-fight by letting the poor people fight back and give them arms, it creates an added element of complexity. You do not know what the results could be." Right.

● **Springfield, Massachusetts:** The Police Officers Safety Association and Smith & Wesson raised \$18,000 for a cancer fund in a charity pistol match recently. The Isabella de Bethencourt Memorial Cops For Kids Match was held in the memory of a police training instructor's year-old daughter who died in 2003 from cancer. About 90 participants took part in the match.

● **Wilmette, Illinois:** The Wilmette Village Board has voted to stop short of banning air rifles, but display or possession of them in public is now prohibited. The fine for displaying an air rifle starts at \$50 for the first offense and can run as high as \$500. A second offense starts at \$100. Discharging air guns was already illegal in Wilmette, and court fines can run up to \$750, said Tim Frenzer, village attorney.

● **Washington, D.C.:** The National Crime Victimization Survey showed firearms violence 200 percent higher for blacks than for whites. Firearm violence rates for blacks age 12 or older were 40 percent higher than rates for Hispanics. Blacks were about 9 times more likely than whites to be murdered with a firearm. However, from 1993 through 2001, the number of murders declined 36 percent while the number of murders by firearms dropped 41 percent.

● **Sacramento, California:** Attorney General Bill Lockyer recently announced sales of firearms during 2004 increased to 315,065 from 290,376 in 2003. Sales of handguns and long guns in 2004 were slightly higher than 2003's all-time low and remained less than half the high-water mark of 642,197 established in 1993.

● **Philadelphia, Pennsylvania:** Mayor John Street is advocating a clamp-down on the self-defense rights of thousands of law-abiding citizens after a wave of homicides in the city. The Second Amendment Foundation said, "When the Philadelphia Daily News asked Mayor Street whether the homicides were related to the 28,000 legally-issued concealed carry licenses in the city, he sidestepped the question. Instead, he argues that there are just too many handguns in the city." Mayor Street says he is considering putting a moratorium on gun permits in the city, as if that would stop criminals from getting guns.

# Parting Shot

## BURGLAR BEWARE

Cheryl Pettaway, a Wilmington, Delaware woman, got the scare of her life when a nearly naked man broke into her home on a recent Friday morning.

Police said Keith Simpson, 32, was wearing nothing more than a red T-shirt when he tried to break into her house.

Pettaway said, "Somebody was ringing my doorbell and so I yelled, 'Who is it? Who is it?' They wouldn't answer."

So she grabbed her son and her gun and started to call 911.

That was when the half-naked man broke through her back door.

"The next thing you know, I just heard somebody in my house and I ran mid-point down the steps and I fired shots randomly," Pettaway said.

Simpson tried to flee through the garage, but that is where police caught him. Sgt. William Wells, of the Wilmington Police, said, "This is definitely something we don't see every day, breaking in half clothed. That's different."

Simpson was admitted to Wilmington Hospital for psychiatric evaluation and for treatment of wounds he got when he broke through a glass door.

After he is released, he will face charges.

In San Antonio, Texas, George Shandy came home one recent Tuesday to find the front door open. Someone had stolen a china hutch and left a washer and dryer in the center of the living room.

Shandy figured the burglars would be back for the rest of their loot, so he sat and waited for them with his 9mm handgun.

Sure enough, two suspects showed up.

"They walked in the front door because they left it open," said Shandy. "I left it open, too. I was just sitting in the living room, and when they got to the washer, that's when I told them to stop."

They stopped in their tracks, seeing the handgun. Shandy called 911 and held the two at gunpoint until officers arrived.

Both suspects were arrested.

They got off easy. In Chelsea, Alabama an armed, masked intruder broke into a home, tied up the owner and took his wife hostage.

The intruder went with the wife to another part of the house and began stealing jewelry and electronics.

The homeowner broke free, got his pistol, and shot the burglar, William Clint O'Shields, 25, to death.

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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