

# The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Issue 127  
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Dear Subscriber,

Measures to **repeal Washington D.C.'s failed 1976 gun ban** are working their way through Congress. The gun ban made Washington **the murder capital of the nation** by preventing law-abiding citizens from defending themselves.

H.R. 1288, the **District of Columbia Personal Protection Act** was introduced by **Rep. MARK SOUDER** (R-IN) and 21 co-sponsors. It would revoke the District's authority to ban guns and end the 1976 gun ban, restoring self-defense.

S. 1082, an identical companion bill in the Senate, was introduced by **Sen. KAY BAILEY HUTCHINSON** (R-TX) and 30 co-sponsors.

The House Bill was referred to the Government Reform Committee, chaired by Rep. **TOM DAVIS** (R-VA), who **held an oversight hearing** on the measure in late June.

DAVIS' oversight hearing witness list included those who claimed that allowing citizens to defend themselves would **increase crime**, and not decrease it.

Washington Mayor **ANTHONY WILLIAMS** told the committee the SOUDER bill was "a slap in the face to me and the people who live in this city."

JOE WALDRON, executive director of the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), said Mayor WILLIAMS considers D.C. residents to be mere "subjects" **who can't exercise their Second Amendment right to self-defense**.

Rep. SOUDER, recognizing the controversy H.R. 1288 was kicking up, put key portions - but not all - of his bill in **an amendment to an appropriations bill**. It forbids the District of Columbia from enforcing a portion of the gun ban law with federal funds.

It would allow D.C. residents **to keep fully assembled rifles and pre-1976 handguns in their homes**.

The amendment passed the House by a vote of 259 to 161.

The appropriations bill now goes to the Senate. The full SOUDER-HUTCHINSON bill, and not just the watered-down appropriations amendment, has a chance of passing the Senate.

In **another victory for gun owners**, the House killed an amendment by Rep. **JAMES MORAN** (D-VA) to outlaw the export of .50-caliber rifles to "non-governmental entities."

The House turned it down by a vote of 278-149.

"This amendment was just one more example of an anti-gun attempt **to demonize a firearm just because it is different**," said CCRKBA Executive Director JOE WALDRON.

"Congressional anti-gunners did the same thing when Glock introduced its polymer-framed pistol years ago, falsely claiming it to be an '**undetactable plastic gun**' and the so-called 'weapon of choice of terrorists.'

"Today, that pistol rides in the holsters of a majority of American law enforcement officers, proving once again that **the gun control crowd does not now, and never has, known what it's talking about**."

Anti-gun Congresswoman **CAROLYN MCCARTHY** (D-NY), however, is still calling for a total ban on large-caliber rifles.

**Also in this issue:** ● *Domestic violence and guns* ● *State legislative sessions generally good* ● *New York Assembly passes 50-caliber ban* ● *U.N. report pressures Brazil over gun ban* ● *Patron Saint of Handgunners* ● *Crime Stoppers in our Page Eight "Parting Shot"*

**AT THE  
FEDERAL  
LEVEL**

### **SUPREME COURT SAYS COPS CAN'T BE SUED FOR RESTRAINING ORDERS**

The United States Supreme Court has ruled that police cannot be sued for how they enforce restraining orders, ending a lawsuit by Jessica Gonzales of Colorado, who claimed police did not do enough to prevent her estranged husband from killing her three young daughters.

In a 7-2 opinion, the court said Gonzales did not have a constitutional right to have police stop her husband, Simon Gonzales, from taking her daughters, ages 10, 9 and 7, from her front yard and killing them.

Hours later Gonzales was killed by police in a gunfight outside a police station.

The ruling once more proves the need for all citizens to have the right to self-defense with firearms.

**IN THE  
COURTS**

### **FLORIDA APPEALS COURT STRIKES DOWN ANTI-GUN JURY VERDICT**

Florida's 4th District Court of Appeal has ruled that the state's civil negligence laws do not support a 2003 jury verdict that found the distributor of a cheap .25-caliber handgun partially liable for the campus shooting of teacher Barry Grunow in 2000.

Widow Pam Grunow may appeal to the Florida Supreme Court, but attorneys for the gun distributor, the Valor Corp. of Sunrise, Florida, said the ruling shows that manufacturers or distributors of non-defective products cannot be held liable for someone criminally misusing it.

### **FEDERAL DOMESTIC VIOLENCE LAW HAS PROBLEMS IN PENNSYLVANIA**

A Pennsylvania man was entitled to buy a gun despite his 1990 guilty plea to simple assault for a fight that left his girlfriend bruised and unconscious, said a Commonwealth Court panel in a 2-1 ruling.

Under federal law, a person convicted of a misdemeanor domestic violence crime cannot own a gun and the case of Ronald B. D'Allesandro centered on whether he lived with the woman he assaulted, a requirement to establish the "domestic" in domestic violence. Police couldn't provide convincing evidence that D'Allesandro lived with the woman, so he won the right to buy a gun.

Like many states, Pennsylvania does not have a separate "domestic" assault law, and treats it like any other violence, which makes it harder to enforce federal law.

Legislators in the state House of Representatives responded to the ruling by passing a provision that allows state police to deny guns to any offender who fits federal guidelines, no matter if the state criminal statute specifies how the victim and defendant are related.

### **GUN CHARGE AGAINST DETROIT MAN DROPPED OVER RACIAL BIAS**

A weapons charge against 29-year-old James Thorpe was dropped after prosecutors refused to submit enough information to help a federal judge decide whether a gun control program unfairly targets black people.

U.S. District Judge Denise Page Hood dismissed the charge of being a felon in possession of a firearm against Thorpe, who was arrested by Detroit police in 2003 while sleeping in a car.

Thorpe was prosecuted federally under the Project Safe Neighborhoods program, which has stiffer sentences than Michigan law. Defense attorneys demanded statistics to see if blacks were being unfairly targeted, but prosecutors refused to provide it, leading to the court's dismissal.

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### FORMER JUSTICE DEPARTMENT OFFICIALS SEEK LOWER SENTENCE FOR CONVICT

More than 150 ex-Justice Department officials have signed a "friend of the court" brief with the 10th U.S. Circuit Court of Appeals **seeking to overturn a 55-year sentence** given to a man for **carrying a pistol** during a string of marijuana deals.

Weldon Angelos, 25, of Salt Lake City, was convicted in 2003 of **three counts of possessing a firearm** while involved in a drug deal, as well as 13 other drug and money-laundering charges. He had no prior convictions.

## IN THE COURTS

In sentencing Angelos in November last year, federal Judge Paul Cassell called the sentence **"unjust, cruel and irrational,"** but said he had no choice under federal law.

Earlier this year, the U.S. Supreme Court ruled that **federal sentencing guidelines are advisory, not mandatory.**

The officials, including former U.S. Attorneys General Janet Reno and Benjamin Civiletti, acknowledged that **Congress has the right to impose mandatory minimum sentences,** but that the sentence Angelos received was "grossly disproportionate to the crime and amounted to cruel and unusual punishment."

### MAINE COURT REJECTS FEDERAL DOMESTIC VIOLENCE INDICTMENT

In Portland, Maine, U.S. District Judge D. Brock Hornby has **dismissed the federal felony indictment** of a Lewiston man who was facing a prison sentence on the charge of possessing a gun after being convicted of a **misdemeanor domestic assault crime.**

Hornby ruled that John Frechette did not knowingly waive his right to a jury trial in 1996 when he pleaded "no contest" to the assault charge **because he was informed of his rights at a group arraignment.**

That does not meet the standards for the federal gun possession crime. The ruling **casts doubt on the ability of federal prosecutors to bring such charges against others** who had pleaded guilty to domestic violence offenses after group arraignments.

Maine law prohibits only convicted felons from having guns. But federal law has eight other categories, including those with misdemeanor domestic violence convictions.

### WEST VIRGINIA COURT UPHOLDS SELF-DEFENSE RIGHTS FOR EMPLOYEES

The West Virginia Supreme Court has ruled that Antonio Feliciano, **who was fired from his 7-Eleven store job for using a gun** to subdue an armed masked woman attempting to rob the store, **can sue for wrongful discharge.**

The high court cited numerous precedents showing that the right of self-defense "in response to lethal imminent danger" is very well-established and constitutes a substantial public policy.

The court also upheld **the right of the employer to rebut an employee's case** in court and to demonstrate that it had a plausible and legitimate business reason to justify the discharge.

The ruling gives both sides a fair chance to obtain justice.

### CALIFORNIA APPEALS COURT BACKS GUN CLUB

A Sacramento appeals court has ruled in favor of the Paradise Rod & Gun Club, **removing an injunction** prohibiting the gun club from opening its **shooting range.**

The gun club had a use permit approved by the Butte County planning commission and the board of supervisors, but a group of people calling itself Neighbors for Responsible Action **filed a lawsuit to stop the project,** claiming the board of supervisors violated the California Environmental Quality Act by approving the range when serious environmental concerns were present.

A Butte County Superior Court judge **ruled in favor of the project,** and the opponents filed an appeal in the state court of appeals in Sacramento, where a judge **ruled in favor of the project.**

Gun club President Forrest Holmbach said more litigation is expected.

**FOUR ANTI-GUN BILLS MOVING THROUGH CALIFORNIA LEGISLATURE**

AB 944 would add a new warning, based on discredited studies, to the six warnings already required by law: "The State has determined that" among other things, "it is safest not to keep a gun in the home."

AB 996 requires all handgun ammunition to be kept inaccessible to the public, but doesn't explain how it can be done.

AB 352 requires handguns to include laser-etched micro-stamping systems inside the firing pins and chambers that would mark ejected shell casings with the make, manufacture, and serial number of the firearm. It would invite criminals to gather shell casings at firing ranges and scatter them at crime scenes to implicate law-abiding gun owners.

**IN THE STATES**

AB 357 would require all handgun ammunition in California to have an identifying number that will be traceable to the purchaser with a complicated and expensive bullet registration system.

These bills are clearly nuisances to make handgun ownership so prohibitively expensive that manufacturers will simply leave the state and stop selling there. The two bullet bills are seen as real threats that may gain lawmaker approval. Gov. Schwarzenegger has been urged to veto them if they reach his desk.

**ILLINOIS LEGISLATIVE SESSION CLOSES WITH GUN RIGHTS SUCCESSES**

Illinois Gov. Rod Blagojevich has signed two bills to keep gun criminals in prison longer, one that reduces good conduct credit time from one day's credit for each day served to four and a half days for each month served. The other requires a mandatory sentence between three and seven years for using a firearm in public housing, parks or courthouses. Currently, judges can give prison or probation.

Lawmakers defeated efforts to allow lawsuits against the gun industry, to limit handgun purchases to one a month, to ban semi-automatic rifles, and to make anti-gun ordinances worse.

A gun show background check bill was signed into law, with provisions protecting the privacy and security of law-abiding gun owners.

**IOWA GUN PERMITS HIGHER, TIED TO SEPTEMBER 11 TERRORIST FEARS**

Sam Knowles of the Iowa Department of Public Safety said the number of handgun permits jumped 10 percent in 2001 to about 25,600, and spiked in 2003 at a record of nearly 27,000. Knowles thinks many gun carriers are still looking for a sense of security since 9/11. He said there's "no other plausible reason."

**KANSAS VILLAGE DEFIES NEW CAR CARRY LAW**

The Legislative and Finance Committee of Prairie Village, Kansas has voted against changing a municipal ordinance to conform with a state law that permits people to carry a firearm in a vehicle as long as the firearm is unloaded and in a closed container.

"We all hate it," Councilwoman Laura Wasserman said of the new law.

The Prairie Village Police Department will enforce the new law anyway, said Police Chief Charles Grover.

**MAINE DEBATE OVER INFLUENCE OF GUN LOBBY**

The Legislature's defeat of three major gun control bills this session has sparked a debate over the influence of the gun lobby, including the Sportsman's Alliance of Maine. The bills would have banned semiautomatic rifles, imposed a waiting period on young gun buyers, and required all sellers at gun shows to do background checks on prospective buyers.

Lawmakers supporting the bills complained that their colleagues gave too much weight to the views of gun lobbyists.

But George Smith of the Sportsman's Alliance of Maine said that in a rural state with a strong hunting tradition, heavy gun ownership and a low crime rate, many lawmakers are more in tune with gun-owners than with gun-control advocates.

### **HUNDREDS APPLY FOR HANDGUN PERMITS IN MINNESOTA**

Now that shall issue concealed handgun permits are available again, Minnesotans are lining up by the hundreds to get them.

The 2003 concealed carry law that originally made them available was ruled unconstitutional in July 2004. The gun permit measure violated the one-subject-per-bill requirement because it was part of a Natural Resource Department bill.

The Legislature re-enacted the bill this year in a way that will stand up to court tests. Nearly a thousand permit applications have been filed since the permit law went back into effect May 25.

## **IN THE STATES**

### **NEW YORK ASSEMBLY PASSES ANTI-GUN BILLS**

A4471, the "50-caliber Sniper Rifle Ban," has been passed by the New York Assembly and now goes to the Senate.

The bill has been cited by Ken Mathison, a gun rights advocate, as an economic disaster for New York, since it would apply to rifled-barrel shotguns, virtually all of which are more than 50-caliber.

The cost of confiscating all the shotguns in the state at "fair market" value would be astronomical. The shotgun makers in the state would also relocate, taking jobs and tax revenues with them.

### **OHIO CITY CONSIDERS "ASSAULT WEAPONS" BAN**

A proposed Columbus, Ohio city ordinance to ban semi-automatic rifles originated with a San Francisco-based anti-gun group, the Legal Community Against Violence, which lobbied Council Member Michael Mentel.

Mentel has introduced the measure and said he expects the full council to support it.

The ban would prohibit ownership and possession of most semi-automatic rifles, according to the Peoples Rights Organization (PRO), a pro-gun group that fought back two previous ban attempts by the Columbus city council.

PRO is ready to take legal action in the event this new threat to gun owners is passed by the city.

### **DOMESTIC ABUSE LAW HEADS FOR PENNSYLVANIA SENATE**

The Pennsylvania House of Representatives has passed a bill expanding the state's domestic abuse law.

The bill – which would allow judges to order a person with a protection from abuse order against him to relinquish all weapons within 24 hours – would also make it mandatory for abusers to turn in their guns if they violate protection from abuse orders.

The Legislature took pains with this bill to consult with pro-gun groups to approve language and content before putting it to a vote.

Most gun groups involved registered no objection to the proposed law. The bill now heads for the Senate.

### **TEXAS GUN OWNERS DID WELL IN LEGISLATIVE SESSION**

The Texas State Rifle Association says the recently ended legislative session was a good one for gun owners.

House Bill 823 in particular was historically significant. It moved the burden of proof from the gun owner to the state in cases where the gun owner is traveling.

Texas law has long said people can be in possession of a handgun while traveling, but the law didn't define traveling.

You could be arrested a block from your home for carrying a handgun in your car after driving across five counties to get there and a judge could still deny you the traveling defense.

No longer. Gov. Rick Perry signed the new law that presumes anyone in a motor vehicle to be traveling, as long as he or she is not committing a crime nor is a member of a gang. It takes effect September 1, 2005.

### **UNITED NATIONS PUSHES GUN CONTROL OVERKILL IN BRAZIL**

The United Nations is playing pressure games with Brazil's Congress over gun control by publishing a Unesco study that headlined more than 500,000 shooting deaths in Brazil between 1979 and 2003.

That puts pressure on the Chamber of Deputies, which has already passed a bill prohibiting the sale of firearms and ammunition in Brazil, but has not yet voted authorization for a referendum on it.

The referendum will consist of one question, which in the original bill was: "Should the sale of firearms and ammunition be prohibited in Brazil?"

This is the first time in Brazilian history that the population is being called on to vote on a measure already approved by the legislature.

The timing of the U.N. report is one more example of the global body meddling with the internal politics of sovereign nations.

**AROUND  
THE  
WORLD**

### **ZIMBABWE'S MUGABE TAKES GUNS, FEARS REVOLT**

In the wake of an incredible political revenge program to bulldoze the homes of urban-based political opponents, President Robert Mugabe has withdrawn firearm licenses across the nation, fearing an armed revolt.

Police spokesman Wayne Bvudzijena urged people with automatic weapons at their homes to surrender them to the nearest police station.

Mugabe's Operation Murambatsvina (Shona for "Operation Drive Out the Trash") has demolished the homes of at least 200,000 people in major cities where the opposition Movement for Democratic Change is based.

The opposition says it is in revenge for their support of an opposing candidate in the recent contested presidential election.

Many people, including famous entertainers, have brandished firearms as police came to bulldoze their homes. Zimbabwean singer Dick Chingaira was disarmed and beaten for resisting the demolition of his mansion.

Sources told SW Radio Africa news that such incidents could lead to a full-scale revolt against the armed forces.

### **THAILAND'S TEACHERS TO GET GUNS FOR SELF-DEFENSE**

Twenty-one teachers have been killed since Muslim anti-government violence flared in Thailand's southern provinces in early 2004. Foreign elements such as Al-Qaeda are suspected of coming into Thailand to stir up religious conflict.

The Education Ministry has started a program to buy cheap second-hand guns for teachers because buying new guns is too expensive.

Deputy Education Minister Rung Kaewdaeng was discussing the idea to develop a market for used guns that teachers could afford.

The Interior Ministry allows teachers and education personnel to carry guns for self-defense in the three predominantly Muslim southern provinces of Pattani, Yala and Narathiwat.

### **CITY IN INDIA WANTS CITIZENS ARMED FOR SELF PROTECTION**

In Cyberabad – a new name for the Central India city of Hyberabad because of its burgeoning information technology industry – police have announced that gun licenses will be made easier to get for people living in remote localities on the fringe of the city.

A week after theft gangs called "dacoits" bludgeoned to death a couple in full view of their children, Cyberabad police commissioner M. Mahender Reddy made a night-long inspection tour of security around the city.

Reddy said that gun licenses will be issued to nearby residents when police locate a squatter colony of dacoits.

"Farmhouses, poultry farms and remote layouts are the most susceptible," said Reddy. He added that no charges would be filed if a license-holder used the weapon to protect himself.

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

● **Springfield, Massachusetts:** Gun sales are shooting up in the United States, according to current and projected sales figures from gunmaker Smith & Wesson. The 153-year-old company said firearms sales for fiscal 2005 are expected increase by 11 percent over fiscal 2004 levels. New president and chief executive of Smith & Wesson Holding Corp., Michael F. Golden, said his firm is also planning expansion into shotguns or rifles and perhaps even ammunition and home security systems.

● **Auburn, New York:** The Ithaca Gun Company has gone out of business after 124 years making shotguns. Closure of the company, which has suffered financial woes for decades, came less than a year after it received \$150,000 from Cayuga County for operating expenses, a loan intended to keep the firm's 26 employees on the job and customers supplied with product. The seven investors who owned the company gave up after years of losses.

● **Roanoke, Virginia:** The anti-hunting group People for the Ethical Treatment of Animals made lame excuses for two employees in North Carolina who were each charged with 31 felony counts of animal cruelty for dumping the dead bodies of 18 animals in a dumpster. PETA, it seems, routinely kills animals from shelters, even though its propaganda says people have no right to use animals for pets or anything else. The rationalization was that the dumped animals had been killed humanely. A court will decide the fate of PETA's puppy killers.

● **Baltimore, Maryland:** Mayor Martin O'Malley doesn't think gun buybacks are a good idea even though his city will spend \$100,000 to buy guns from residents. Baltimore ran a gun buyback in 2000, but it was mostly a public relations effort to convince neighborhoods that police were trying to prevent crime. O'Malley said most of what they bought were "garbage guns" that no street-tough criminal would think of using in a crime.

● **Washington, D.C.:** As the Nation's Roman Catholic bishops recently concluded their biannual meeting in Chicago, a gathering of lay Catholic firearm rights enthusiasts celebrated Father's Day with a shooting tournament in suburban Washington, D.C. John Michael Snyder, Founder and Chairman of the St. Gabriel Possenti Society, Inc., took part. The St. Gabriel Possenti Society is named for a seminarian who rescued villagers of Isola del Gran Sasso, Italy from a gang of terrorists in 1860 with a striking, one-shot, lizard-slaying demonstration of handgun marksmanship. Possenti died in 1862. Pope Benedict XV canonized him in 1920. Snyder seeks Possenti's official Vatican designation as Patron of Handgunners. He is the author of a book, GUN SAINT, a biography of Possenti.

● **Bellevue, Washington:** The Second Amendment Foundation (SAF) has reported that recently released data from the FBI clearly show that the dire predictions of the anti-gunners last fall over the end of the so-called "assault weapons" ban have proven to be groundless. The FBI reported that for the first time since 1999, homicides declined last year 5.4 percent in cities with more than 1 million people, and overall, murders fell 3.6 percent nationwide.

● **Alexandria, Virginia:** Virginia Tech Board of Visitors is considering a ban on students and university employees except law enforcement officers from carrying firearms on campus. However, visitors with concealed weapons permits could bring guns on campus, but not into campus facilities.

● **Annapolis, Maryland:** Maryland Governor Robert L. Ehrlich Jr. recently kicked off a state program to implement a new federal law for retired Maryland officers, allowing them to carry concealed firearms even though they are now private citizens. Shortly afterward, Leah Barrett, executive director of anti-gun CeaseFire Maryland, Inc. said allowing the retired officers to carry firearms was "essentially dangerous." The Bellevue, Washington-based Citizens Committee for the Right to Keep and Bear Arms said Barrett's statement was an insult and she should apologize immediately. Executive Director Joe Waldron said, "She should be ashamed of herself, but my experience has been that gun control zealots have no shame."

# Parting Shot

## CRIME-STOPPERS

Investigators in the Florida town of Indiatlanic praised a woman who was able to find her gun in the dark and defend herself when Jason Preston, 33, broke into her home and tried to get into her bedroom.

Widow Judith Kuntz, 64, lives alone and was awakened by Preston's noise breaking into her home and saw him come to her bedroom door with a flashlight.

Kuntz had groped around and found her .38-caliber revolver. She fired one shot at the man and called 911. The 911 operator kept the frightened woman on the phone until police arrived.

They found Preston in the yard, dead.

Neighbor Gail Fischer said, "I guess when you're scared and that's your reaction, is to defend yourself, is what you do, especially in your own home."

The sheriff's department said, "She did a great job."

In Wilmington, North Carolina, two robbers, Brian Dalton Rivenbank and Dewayne White, came into Jerry's Furniture Refinishing on Cinema Drive and pulled out a gun.

Jerry's has nothing to do with furniture or refinishing. Its business is video poker, explaining why robbers made it a target.

One of the men grabbed the store clerk, Joseph Daggs, but he broke free and reached for his personal gun. He fired one shot.

Rivenbank died at the scene and police came and arrested White, who was charged with attempted armed robbery.

Police said it was self-defense.

In Madison, Tennessee, a homeowner answered a knock on his front door at about 11:40 p.m. and saw four men, who attempted to force their way in.

The homeowner, unidentified by police, found his handgun and shot one of the would be robbers, Bobby Pottinger, 38, of Nashville.

Metro Police Captain Mike Hagar said Pottinger died at the scene and that the shooting appeared to be in self-defense.

"When they attempted to force their way in the house, the homeowner fired his pistol."

More and more stories of dead robbers are finding their way into the media today as more and more people realize that their own safety is their own duty.

While police warn against irresponsible daring, they are also beginning to praise the people who fight crime by shooting back.

*Alan M. Gottlieb*

*Joseph A. Tartaro*

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