

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 128

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Dear Subscriber,

The Senate has passed S. 397, the Protection of Lawful Commerce in Arms Act by a vote of 65-31. The House version will be considered after the August recess.

JOHN MICHAEL SNYDER, Public Affairs Director of the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), **congratulated the Senate for passing the hotly contested bill.**

"The proposed Act would **ban frivolous third party lawsuits** against gun manufacturers, distributors and dealers," SNYDER said. "It would curtail severely the anti-gun lobby's flagrant use of the judiciary in its underhanded guerilla war against the individual Second Amendment civil right of law-abiding American citizens to keep and bear arms."

Backers of the bill, led by **Idaho Republican LARRY CRAIG**, said the measure is essential **to protect a key American industry and the rights of U.S. gun owners.**

SNYDER said that all Americans, "and especially all law-abiding American gun owners," **owe Sen. CRAIG and other supporters a note of thanks** for their work on the measure.

Fourteen Democrats, including Minority Leader Harry Reid (D-NV), backed the bill along with all Republicans except two, and one independent.

Sen. MIKE DeWINE of Ohio, one of the two opposing Republicans, said the bill would topple centuries of civil law, claiming it would create one standard of negligence for the gun industry and a different standard for everyone else.

JOE WALDRON, Executive Director of CCRKBA, emphasized that *the bill does not prevent anyone from suing for harm due to defective products, or other faults of the gunmaker, dealer or distributor, but only stops frivolous lawsuits intended to bankrupt a lawful industry for political or ideological purposes.*

As expected, **a cadre of prominent anti-gun Democrats tried to attach a series of killer amendments** designed to derail the legislation. They knew the bill was unstoppable, but proposed gun show background checks, restrictions on "cop-killer" bullets and other unrelated issues.

WALDRON said, "All they did was show the nation once again that, despite the rhetoric over the past year by people like JOHN KERRY, CHARLES SCHUMER, JACK REED and others claiming to support gun rights, **it is all too clear that they want to cripple the gun industry** as a means of ultimately legislating lawful gun ownership out of existence."

Last year, backers had enough votes to pass the bill but were unable to ward off amendments, including an extension of the so-called "assault weapons" ban. Rather than accept the amendments, **the bill's sponsors defeated their own legislation.**

This year, the assault weapons ban has lapsed and gun rights supporters were strong enough to defeat other "poison-pill" amendments.

In a demonstration of how far anti-gun forces will go even in the face of overwhelming public opposition, a key gun control advocacy group filed a lawsuit against gunmakers the day before the Senate passed the bill, "just to make a point." *See the full story on Page 2.*

Now all attention turns to the House for action on this crucial measure.

Also in this issue: ● *New York gun show law challenged* ● *Gun rights expanded in Alaska* ● *Special Report on U.N. Against Guns* ● *Professors in India carry guns in class* ● *Wooden gun causes furor at UCLA* ● *It's a Gunfight at the O.K. Corral, Louisiana Style, in our Page Eight "Parting Shot"*

**AT THE
FEDERAL
LEVEL**

BRADY ANTI-GUN ACTIVISTS FILE FUTILE LAWSUIT TO MAKE A POINT

The Washington-based **Brady Center to Prevent Gun Violence** has filed two lawsuits against gunmakers and dealers *just as the Senate passed legislation that would outlaw such litigation.*

The major suit, filed on behalf of the parents of 10-year-old Faheem Thomas-Childs, who was shot to death when caught in gang war crossfire on his way to school, **seeks money from gun retailer American Gun and Lock**, claiming it knowingly supplied the gun that killed Thomas-Childs to the murderer.

The Center's news release states, "The lawsuit also includes **claims against Sturm, Ruger**, the manufacturer of the gun who continued to supply American Gun."

**IN THE
COURTS**

Sturm, Ruger spokesman Stephen L. Sanetti replied, "The Brady Center is fully aware that **Sturm, Ruger does not sell its products to retailers** in the normal course of business. Rather, it sells its products to independent, federally licensed firearms wholesalers."

Sanetti "The many courts across the nation which have dismissed similar lawsuits against manufacturers and distributors have repeatedly stated that subsequent crimes committed with lawfully sold firearms are simply too remote from the manufacturers and distributors to hold them liable under any legal theory, **as the connection between their lawful, licensed activities and later crimes is simply non-existent.**"

JUDGE QUESTIONS NEW YORK'S BROADLY WORDED GUN LAW

A lawsuit filed last year challenges various parts of **New York's gun control statutes, including gun show regulations.** Under the law, any gun show must provide for background checks on possible gun buyers. Violators face civil penalties up to \$10,000.

But Scott Garretson, attorney for the sporting club plaintiffs, said the statute only defines "gun show" as an event where gun owners gather. **That could apply to pancake breakfasts, pig roasts and political rallies.**

Assistant Attorney General Charles Steinman said his office would not take action against events that have nothing to do with guns.

U.S. District Judge Charles Siragusa countered that he must consider what the statute says, not how the current attorney general may interpret it.

NO RIGHT TO HUNT CLAY PIGEONS IN VIRGINIA

Nelson County, Virginia Circuit Judge Michael Gamble has ruled that the state Constitution's right-to-hunt clause does not extend to target shooting.

The ruling upheld the county board of supervisors' denial of a conditional use permit for a shotgun sports center at Orion Estate, an exclusive hunting preserve. Orion had claimed the county violated the constitutional amendment, approved five years ago by voters in a statewide referendum, that protects the rights of Virginians to "hunt, fish and harvest game."

DENVER'S RESTRICTIVE GUN ORDINANCES CHALLENGED

El Paso County is asking the Colorado Supreme Court **to invalidate Denver's enforcement of gun ordinances that are more restrictive than Colorado's 2003 pre-emption law.**

Denver previously sued the state government, saying its big-city conditions generate unique needs for stricter rules not addressed in state law.

The high court is expected to rule on both suits this year.

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ALASKA GUN RIGHTS BILL SIGNED INTO LAW

Alaska House Bill 184, which strengthens the existing Alaska State Firearm Preemption statute, has been signed into law by Gov. Frank Murkowski. **The new law voids any local ordinances more restrictive than state law.**

It also limits the ability of individuals or companies to restrict the possession of firearms by law-abiding citizens in their locked vehicles, to correct problems with employers and parking lot owners.

IN THE STATES

CALIFORNIA AMMO-MARKING BILLS DRAW FIRE

Two ammunition-marking bills making their way through the California Legislature **have provoked heated opposition from gun rights advocates.** Both bills would require **exorbitant reworking of ammunition production lines,** even new factories, according to critics.

SB 357, authored by Sen. Joe Dunn (D-Santa Ana), would require manufacturers to **engrave each bullet in a box with the same serial number,** which would be affixed to the box. Retailers would **record the purchaser of each box and give the information to the state Department of Justice--**ammunition registration.

AB 352 by Assemblyman Paul Koretz (D-West Hollywood) would require that semiautomatic pistols be equipped to imprint microscopic ID information on each cartridge case fired from the gun.

Owners of the patents and technology are pushing the bills along with gun control groups such as the Coalition to Stop Gun Violence.

Lawrence G. Keane, general counsel of Sporting Arms and Ammunition Manufacturers' Institute, said it would cost tens of millions of dollars in new facilities to comply with the proposed law and **raise the cost ammunition to several dollars per cartridge,** not just the pennies claimed by promoters.

Gov. Arnold Schwarzenegger has not indicated whether he would sign such a bill.

COLUMBUS, OHIO GUN BAN COSTS CITY THE NRA CONVENTION

Columbus, Ohio has **prohibited possession of a wide range of semiautomatic firearms** in a so-called "assault weapons" ban that caused the National Rifle Association to move its 2007 convention to another city.

The NRA had chosen Columbus prior to the City Council's vote banning the firearms, and now *worries about its effect on exhibitors.*

The Citizens Committee for the Right to Keep and Bear Arms has called for **a boycott of Columbus by all law-abiding gun owners.** Executive Director Joe Waldron called the ordinance a "disgraceful public safety fraud" that will only hurt law-abiding gun owners and have no effect on stopping crime.

"If the city council doesn't want 'our kind' in town," said Waldron, "they must believe they can get along without our business."

Columbus has lost in court on two earlier gun bans, and will likely face another challenge on this one.

State Representative James Aslanides (R-Coshocton) is set to introduce a preemption bill in the Ohio Legislature to prohibit cities from enacting their own gun laws like the Columbus gun ban.

RHODE ISLAND ALLOWS DISARMING THOSE ACCUSED OF DOMESTIC VIOLENCE

Rhode Island Governor Donald I. Carcieri (R) has signed a bill **allowing judges to take guns from those accused of domestic violence.**

If a judge in District or Family Court issues **a permanent restraining order** against a suspected perpetrator of domestic violence, the judge can also order the subject **to turn over all firearms in his or her possession** to local or state police or to a third party not related by blood or marriage.

If the subject of the restraining order is a police officer, active military personnel or anyone required to bear a firearm while working, he or she **may keep a service weapon while on duty,** but must give up any personal firearms.

Similar bills have failed on numerous previous tries in the legislature.

THE UNITED NATIONS AGAINST GUNS

An international anti-gun conference was held last month in New York to review progress on the "UN Programme of Action on Small Arms of 2001."

The bottom line of the UN effort is a proposed legally binding worldwide "Arms Trade Treaty" that would defeat the Second Amendment of the U.S. Constitution.

Key anti-gun players at the conference included Amnesty International, Oxfam America and the International Action Network on Small Arms (IANSA), a global gun control coalition of more than 500 groups.

Predictably, IANSA Director Rebecca Peters said governments are not doing enough to tackle firearms proliferation and that small arms, even including non-military pistols and rifles, should be labelled "weapons of mass destruction."

**SPECIAL REPORT:
THE U.N. AGAINST
GUNS**

IANSA was founded in 1998, operates from London and is funded by various left-wing donors including the Ford Foundation, Rockefeller Foundation, Compton Foundation, Ploughshares Fund, John D. and Catherine T. MacArthur Foundation, George Soros' Open Society Institute, the Samuel Rubin Foundation and Christian Aid.

AMERICAN RHETORIC, GLOBAL GOALS

IANSA uses the catchwords of the American anti-gun movement, such as "gun violence," a phrase intentionally designed to remove the criminal from the picture and turn attention and anger only to what the criminal uses.

It's an old psychological trick: who creates the vocabulary controls the debate. But it unintentionally tells us the speaker is not really worried about criminals, only about guns and taking them away from people.

These and other American gun control ideas, such as the crazy notion that women are unable to use guns effectively for self defense because they're more likely to shoot themselves than their attacker in a panic, have gone global with IANSA.

Take all the worst features of the Brady Center to Prevent Gun Violence, take them to the UN meeting, spread them on a world map, and you have IANSA.

THE SECRET MEMO

An insider has leaked a secret "For IANSA Internal Use Only" document titled, "Talking to the Media," which reveals the group's deceptive strategy to make bad intentions sound good at the New York meeting.

The full document has been posted to several pro-gun websites so gun rights defenders can see through the UN anti-gun smoke screen.

The Memo is in three parts: 1. Core Messages; 2) Tips for talking to journalists; and 3) Questions and Answers, which is a canned script of anticipated questions and highly evasive replies for IANSA activists to parrot.

The core messages begin by complaining that, "Four years after the Programme of Action was agreed, governments have done little to keep their commitments to stop the needless suffering caused by gun violence."

What they mean is that less than 40 countries have passed laws against firearms brokers, and more than 100 don't have bureaucracies for small arms control.

IANSA blames governments in a section on "Poverty and guns," which asserts that "Gun violence is undermining the fight against poverty."

They support the assertion with the statistics, "22 out of the 34 poorest countries are in or emerging from armed conflict," and, "Almost 1,000 people are dying from guns every day." (Most are killed by their own governments)

You aren't supposed to notice that IANSA makes no distinction between military and criminal causes.

IANSA then asserts that, "Governments need pressure from other sectors of society if they are to make an impact on the underlying force that drive the supply and demand of guns." That's IANSA's justification for existing.

THE SECRET MEMO WARNS ACTIVISTS

The section called "Tips for talking to journalists" is dominated by a box that says: "Warning: Journalists from the gun lobby may be at the meeting. You have a right to ask a journalist which outlet they are from, and to show you their UN media pass." You can sense their fear of pro-gun journalists.

The first "DO" on their list is, "Tell the truth." That's followed by instructions to never speak off the record. "There is no such thing!" the tips tell you. Interesting combination.

IANSA activists are then told to find out before an interview who else the reporter has already spoken to and what angle they are interested in discussing.

SPECIAL REPORT: THE U.N. AGAINST GUNS

If you're just going to tell the truth, why would you ask such things? Most reporters won't reveal other sources or guide you in advance anyway.

EVASIVE ANSWERS

The secret memo's Question and Answer script is most revealing.

The reporter asks: **Is IANSA calling for a global ban on guns? / Does IANSA think that nobody should own guns?**

The answer: "Our members around the world are working to reduce gun ownership in their communities because that is what will make people safer. At a minimum we believe that private gun ownership should be subject to basic standards including gun licensing and registration."

For most people, a simple "yes" would do.

Another question: **The gun lobby says that Australia/Canada/England banned guns and now only criminals have guns – crime rates have soared. Why would other countries follow?**

The answer: "These are figures provided by the gun lobby. Why would we rely on the gun lobby for unbiased research on gun violence? The truth is that if you regulate guns, you reduce the number of people shot dead every year, including suicides and accidents as well as gun homicides."

Well, that contains an outright lie. The figures came from the affected governments; the gun lobby simply repeated them. And it doesn't contradict the soaring crime rates in those specific countries, it merely asserts a hypothetical assumption as if it were fact.

It just goes on and on for 6 pages. IANSA appears to be deliberately teaching its activists to be evasive and deceptive.

READER RESPONSES

A number of website comment sections have posted responses to IANSA's secret memo. A few typical comments:

On keepandbeararms.com: "These are our adversaries and this is what they're selling. Unfortunately there are a lot of people out there gullible enough to believe this garbage. Don't underestimate these jerks."

About the warning that *journalists from the gun lobby may be at the meeting*: "It appears they are fearful of those who want to protect their rights. Imagine that."

"Talk about misinformed people at the highest level. If that is what we're up against, bring it on."

In reply to *A gun in the home does not make anyone safer, and especially not women*: "I feel much safer with my guns. I sleep well at night because I have a gun on the nightstand, 2 shotguns behind the door, and others at strategic places around my house. If a man breaks into my house with rape on his mind, I'll shoot him and as he lays there dying, I'll shoot him again. I'm such a meanie. Don't mess with women who have guns."

Perhaps the most typically American response to the whole thing was this one: "I started shopping for another revolver yesterday. It seems I generally buy one every time I see some gun-grabbing bull like this."

NEW COLLEGE TEACHING AID IN INDIA: GUNS

Teachers at Meerut Government College are now armed in the classroom after a student fired at Sociology Professor Amarjit Singh last month.

The college has been a center of violence since it evicted graduates who stayed in student housing for several years after their studies ended.

A notorious youth entered Prof. Singh's office and demanded to be admitted as a student without documents. When Singh refused, the young man pulled a gun and shot at his head, barely missing.

Other professors wrestled the gun away from the culprit, who fled and is now being sought by police for attempted murder.

Prof. Singh said, "We have no trust in the police. They can't protect us. We will tolerate no nuisance now. We too will intimidate them if they threaten us."

**AROUND
THE
WORLD**

BRAZIL GUN BAN BRINGS CRITICS

The Disarmament Statute of President Luiz Inacio Lula de Silva is set for a first-time-ever referendum on October 23 to let the public vote on whether gun sales should be banned.

But opponents are emerging. Gilberto Thums, a prosecutor, says "I bet on a significant rise in crime with the ban. This referendum is idiocy."

Taxi driver Luiz Marcelo says, "All you see around us in the streets is crime, and the best they can think of is to disarm honest citizens like me."

Brazil's main crime problem is drug traffickers, who have even raided army weapons depots. Police have found slum arsenals with machine guns, land mines, grenades and bazookas. A gun ban will certainly make them go straight, right?

NETHERLANDS GUN LAWS TO BE MORE OPPRESSIVE

Beginning August 2006, Dutch rules for gun ownership will require anyone who wants a firearm permit to be a member of a shooting club affiliated with the national association, KNSA (Koninklijke Nederlandse Schutters Associatie).

Firearms permits will be revoked for "moving in criminal circles."

Anyone who wants to join a club must submit a certificate of good behavior.

PAPUA NEW GUINEA OFFICIAL OPPOSES TOTAL GUN BAN

Opposition leader Peter O'Neill has told the Guns Summit in Goroka, Papua New Guinea, that his party would not support a total gun ban. "It has not worked elsewhere, even in societies where the capacity to enforce a total ban is far greater than ours." Some community leaders in high crime areas have called for a total ban, but it was not among the 167 recommendations the Summit considered.

TASMANIA LAW SAYS ROCKET LAUNCHERS ARE NOT WEAPONS

Police in the Australian state of Tasmania recently lost a three-year court battle to destroy an ex-military rocket launcher owned by collector Peter Mielke.

Magistrate Don Jones of the Davenport Magistrates Court ruled that even though legislation in other states of Australia applies to rocket launchers, mortars, and rocket-propelled grenades, Tasmania's does not.

Magistrate Jones said it was not the court's responsibility to make legislation, and advised police to seek an addition to the state's 1996 Firearms Act.

SRI LANKA DESTROYS 27,000 ILLEGAL FIREARMS

On last month's "International Day Against illegal Firearms," the Sri Lankan government destroyed over 27,000 firearms recovered by police or surrendered to state agencies. The event was held at Independence Square in the capital, Columbo.

JAMAICAN JUSTICE MINISTER OPPOSES BALLISTICS REGISTRY

Jamaica's Attorney General and Minister of Justice A. J. Nicholson has opposed amending the nation's Firearms Act to set up a national firearms registry to include the ballistics record of each firearm.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Los Angeles:** The gun a graduate student put to his head during a performance art piece simulating Russian roulette was a wooden replica, not the real thing, a recent investigation disclosed. The performance at the University of California at Los Angeles by Joseph Deutch last November panicked the class because he went into the hall and set off a firecracker, making them think he committed suicide. Two well-known art professors resigned, supposedly because Deutch was not immediately suspended for gunplay. No one knew the gun was not real until the campus investigation was completed last month.

● **Monroeville, Pennsylvania:** The gun show at ExpoMart will go on, but more safety precautions will be used after the accidental shooting of Walter Gladowski, 65, resulting in a wound of his lower leg. John Bogesdorfer, 64, was handling a 9mm semiautomatic handgun at the booth of Hannah's Gun Shop of Tipton, when it discharged and wounded Gladowski. No charges were filed, but the operators of ExpoMart sought to void the gun show association's lease. The two sides reached an agreement that the shows will continue with additional safety steps. Neither side would comment on what the extra safety steps were.

● **St. Louis County, Missouri:** The St. Louis County Police Department has begun processing concealed-weapon permit applications. It was the lone holdout in the state not taking applications because of a funding flaw in the 2003 bill that originally allowed concealed carry. Last month Governor Matt Blunt signed new legislation fixing the flaw and the county's Bureau of Central Police Records began processing applications the next day.

● **Trenton, New Jersey:** Democrat gun control advocates are claiming that Republican gubernatorial candidate Doug Forrester's views on firearms are "too extreme" for New Jersey. Forrester's campaign fired back, criticizing U.S. Senator Jon Corzine, the Democratic gubernatorial nominee for flip-flopping on his position on whether to close the Oyster Bay nuclear power plant. Democrat Assemblywoman Loretta Weinberg of Bergen said, "I know Doug Forrester is wrong for New Jersey because of his stance on guns." Sherry Sylvester, a Forrester spokeswoman, said he supports all firearms laws on the books. "He thinks they should be better enforced," she said.

● **Cincinnati, Ohio:** When the NRA's Political Victory Fund endorsed Jean Schmidt for the 2nd Congressional District's August special election, Democrat candidate Paul Hackett wondered why. He's an avid hunter, serious gun collector, holder of a concealed-carry permit and a card-carrying member of the NRA. "I don't know what I have to do," said Hackett, a 43-year-old lawyer from Indian Hill. "I've gone against the grain in the Democratic party. There isn't a bigger gun enthusiast than me." But NRA public affairs director Andrew Arulanandam said it was simply a matter of voting record: Jean Schmidt has served two terms in the Ohio House with a strong pro-gun voting record, while Hackett has served on the Milford, Ohio, council and has no legislative record. The endorsement of Schmidt, Arulanandam said, "shouldn't be construed as casting aspersions on her opponent."

● **Washington, D.C.:** *The Washington Post* editorial board is staffed with world-class hypocrites who support federal shield laws for journalists, but condemn the idea of a shield law for law-abiding firearms manufacturers, says the Citizens Committee for the Right to Keep and Bear Arms (CCRKBA). The Bellevue, Washington-based gun rights organization issued a news release after *The Washington Post* ran an editorial asserting that the proposed Protection of Lawful Commerce in Arms Act would provide an "unfair and irrational special-interest shield from civil justice." CCRKBA Executive Director Joe Waldron said "Many Americans might argue that a shield law to protect reporters from disclosing sources, even in criminal investigations, is also an unfair and irrational shield law for a special-interest, in this case, the press." The Second Amendment is as worthy of protection as the First Amendment.

Parting Shot

GUNFIGHT AT THE O.K. CORRAL, LOUISIANA STYLE

They do everything a little different in Louisiana. They have parishes instead of counties. They say "Nawlins" instead of "New Orleans" and "Loosyana" instead of "Loo-ee-zee-ana." They serve crawfish and hushpuppies in ordinary eateries. They play jazz and Zydeco a lot. Their college teams have some rough ole boys that go into politics.

And their jewelers--you better watch out for them Louisiana jewelers, you hear?

That would have been good advice for 22-year-old Kevin Knight to heed when he hatched a clever plot to rob Breaux's Jewelers in Jefferson Parish--that's on the West Bank of New Orleans, right across the Mississippi River from the tony Garden District.

Mike Breaux, 58, owner of Breaux's Jewelers, saw this little old lady with a walker and straw purse at the high security front door and buzzed her in.

Only the little old lady was Kevin Knight in drag.

Mike Breaux saw through the disguise instantly and pulled his handgun.

At the same time Knight pulled his .40-caliber handgun from the purse and started to leap over the counter.

Mike Breaux didn't like that, so he shot Knight in the face.

When Knight fell to the floor, Breaux was surprised by a volley of gunshots that came smashing through the store's front window.

One shot grazed Breaux's arm, but didn't hurt him seriously.

That annoyed one of Breaux's employees, who picked up Knight's gun and fired repeatedly at the accomplice outside, Dion Lee.

The employee's shots hit Lee as he escaped in a getaway vehicle, a silver Chrysler Sebring, driven by a third suspect.

Police and medical units quickly responded to the scene.

The medical personnel treated Breaux at his store. Friends later described him as "all right but shaken up."

No money or jewelry was stolen.

Knight was taken by ambulance from the store to Charity hospital, where he was in critical condition.

Lee later showed up at Charity with gunshot wounds to the neck, back and arm, and was in critical condition.

Police are still seeking the third suspect, who remains at large.

You watch out for them Louisiana jewelers, now, you hear?

Alan M. Gottlieb

Joseph D. Tartaro

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