

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 131

November, 2005

Dear Subscriber,

After seven long years of citizen efforts, Congress has finally given gun rights advocates their top legislative priority, passing the Protection of Lawful Commerce in Arms Act (S. 397).

The House passed the landmark measure, 283-144, with 59 Democrats joining 223 Republicans and one Independent.

Because the Senate passed the bill in July, **it went directly to President GEORGE W. BUSH, who signed it into law.**

Gun rights advocates everywhere praised Congress for the measure that **puts an end to junk lawsuits against the firearms industry in an attempt to hold gunmakers liable for crimes committed by criminals using their lawful product.**

JOE WALDRON, Executive Director of the Bellevue, Washington-based Citizens Committee for the Right to Keep and Bear Arms (CCRKBA), said, "This important legislation **will stop the anti-gunners cold in their attempts to bankrupt lawful firearms manufacturers, distributors and retailers.** It closes an important loophole through which extremist gun grabbers have been trying to use the courts to crush gun ownership in this country, when they can't get Congress or state legislatures to do their bidding."

The new law **does not exempt firearms companies from liability for defective products or illegal distribution of weapons.**

An AOL poll asking, "What do you think of the bill to shield the gun industry from crime victims' lawsuits?" found **70 percent of respondents supporting the law** and 30 percent opposing.

The poll puts the lie to gun control groups' assertions that the law was passed only because of a "powerful gun lobby," and shows broad public support for common-sense firearms laws.

In another major gun rights victory, **the Federal Emergency Management Agency (FEMA), reversed a policy of prohibiting firearm possession in emergency evacuee trailer parks** - so-called "FEMA villages" - and other temporary housing provided by the agency.

The reversal followed **complaints by the Second Amendment Foundation (SAF)** that the original policy violated the Second Amendment civil rights of evacuees and that it was discriminatory as well.

The issue first came to light when the News Hour with Jim Lehrer aired an episode about the opening of a "FEMA village" in Baker, Louisiana. In the broadcast **a local official noted that guidelines for residents included a "no guns" policy.**

SAF immediately called the official, then tracked the origin of the policy back to FEMA. Following SAF's calling attention to the issue with several FEMA officials, the agency's legal counsel reviewed the policy and suggested reversal.

The FEMA action follows **the successful lawsuit** filed in the U.S. District Court in Baton Rouge by SAF to prevent the City of New Orleans and nearby parishes from confiscating firearms and forcing the return of those already taken from Hurricane Katrina victims.

Also in this issue: ● Wisconsin lawmakers try concealed carry again ● Brazilian gun ban referendum defeated! ● Britain and Olympic shooters ● Mike Wallace speaks at anti-gun shindig ● New 007 hates handguns ● What would have happened without a gun in our Page Eight "Parting Shot"

**AT THE
FEDERAL
LEVEL**

ALASKA'S NO-PERMIT-REQUIRED CONCEALED CARRY LAW IN EFFECT STATEWIDE

Two years ago, the Alaska legislature removed the requirement that gun owners obtain a permit to carry a concealed weapon.

However, seven cities in the state - Anchorage, Bethel, Juneau, Petersburg, Sitka, Valdez and Wasilla - **still required permits.**

A new Alaska pre-emption law, drafted by Republican state Rep. Mike Chenault, **blocks municipalities from enforcing gun regulations that are more restrictive than state law.** Alaska law allows concealed carry without a permit, including in public buildings.

However, guns remain off-limits at schools, daycare centers and federal property such as military bases.

IN THE STATES

GOV. SCHWARZENEGGER SIGNS ANTI-GUN BILLS

California Governor Arnold Schwarzenegger has signed SB 48, which **forbids sale of rifle ammunition to purchasers under 18 years of age for rifle ammunition and handgun ammunition to those under 21.**

The governor also signed AB 1288, a bill **authorizing arraignment courts to prohibit firearm possession by domestic violence defendants before any conviction.**

In addition, Schwarzenegger vetoed an onerous measure that would require retailers of handgun ammunition to lock it away from customers.

FLORIDA WORKPLACE GUN BILL PROPOSED

Florida state Rep. Dennis Baxley (R-Ocala) has proposed a bill to **allow employees to have guns in their locked vehicles on work property.** Some Florida employers, including Signature Brands and Ocala Regional Medical Center, can fire employees for bringing lawfully owned guns into the workplace parking lot.

Rep. Baxley's bill would make it a felony for employers to restrict such gun possession in company parking lots. The bill would not affect restrictions on bringing a firearm into workplace buildings.

GEORGIA SUPPORTING GUN RIGHTS

Georgia Attorney General Thurbert Baker (D) has expanded the state's reciprocity agreements by recognizing firearms permits issued by Alaska, **bringing to 20 the number of states with Georgia reciprocity agreements.**

After public outcry, Houston County commissioners tabled an ordinance banning residents from firing a gun on their property within 300 feet of an occupied building.

MARYLAND GOVERNOR CONSIDERS JUNKING USELESS HANDGUN TECHNOLOGY DATABASE

Maryland Gov. Robert Ehrlich's staff is considering a draft legislative proposal that would **scrap an expensive "smart gun" technology-tracking state database.**

Proposed language: "Handgun Roster Board - Personalized Handgun Technology Report - Repeals the requirement that the Handgun Roster Board annually review the status of personalized handgun technology."

MICHIGAN BILLS SEEK TO WIDEN "CASTLE DOCTRINE"

House Bill 5142 and House Bill 5143 would **decriminalize the use of deadly force** in self-protection circumstances outside a gun owner's home if you presume you are about to be in harm's way but not actually attacked yet.

Opponents in the Brady Campaign to Prevent Gun Violence made their usual tired accusation that it would make people more aggressive, while supporters note that it is really about protecting victims' rights.

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FEDS REVOKE NEVADA GUN OWNER EXEMPTION

The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives has **revoked Nevada's exemption from federal background checks** for citizens with concealed carry permits, who were exempted because they already had extensive background checks. An ATF audit found the sheriff's departments around the state could not keep their lists of concealed weapons permit holders up to date, creating doubt about who was exempt. The new requirement affects about 15,000 Nevada gun owners.

IN THE STATES

OHIO CANDIDATE PLEDGES PERMITTEE RELIEF

Ken Blackwell, Ohio Secretary of State and Republican candidate for governor, says that **if elected, he will push for legislation to stop media access to the list of concealed handgun licenseholders.**

The list became controversial after the 2004 Ohio concealed carry law was passed establishing the list. Newspapers and other media challenged the state and kept it from blocking media access. Permit holders worry about being targeted once their names and personal information is released by the media.

VIRGINIA COUNTY WANTS STATE GUN LAW CHANGED

The York County School Board is asking several state legislators to consider **prohibiting firearms at board meetings, regardless of whether they are held on school property.**

The request came after Chet Szymecki, a 38-year-old father of three, attended a board meeting to voice concerns about a cell-phone tower proposed at Dare Elementary School, with a .45-caliber handgun strapped to his hip.

Szymecki made no hostile gesture and wears his firearm on a daily basis with no record of incidents. He confirmed with the sheriff that it was legal to wear his firearm before taking it into the meeting.

The Virginia School Boards Association in Richmond supports the proposal, but executive director Frank Barham said he doubts it will win.

TENNESSEE PERMIT HOLDERS CAN CARRY UNCONCEALED FIREARMS

Rep. Ben West Jr. (D-Hermitage) has obtained an Attorney General opinion ruling that **a handgun carrying permit holder in the state is allowed to legally display his weapon in public.**

Rep. West obtained the ruling to clarify the law about requiring permit holders to conceal a firearm, not to encourage them to make a public display.

Law enforcement officers had been seizing firearms and permits because they believed the law prohibited open display of guns by permit holders.

John Harris, executive director of the Tennessee Firearms Association, welcomed the clarification, but said his group does not advocate carrying firearms openly, and actively discourages members from doing so.

"If you are going to carry a gun in Tennessee as a civilian, it's for self-defense purposes only and it needs to be hidden and concealed from visibility," Harris said.

WISCONSIN LAWMAKERS TRY CONCEALED CARRY AGAIN

A new bill to allow qualified Wisconsin residents to carry concealed weapons has been introduced by Rep. Scott Gunderson (R-Waterford) and Sen. Dave Zien (R-Eau Claire). The measure is seen by Democrats as an effort to unseat Gov. Jim Doyle, who vows a veto like the one he made on the 2003 concealed carry bill.

ATF LEAVES WYOMING PERMIT HOLDERS EXEMPT

Wyoming Attorney General Pat Crank has **successfully fought off a threat by the Bureau of Alcohol, Tobacco and Firearms to require separate background checks on holders of Wyoming concealed-weapons permits,** exempt due to previous checks.

The ATF threat came after it learned of a new state law allowing residents convicted of misdemeanors to petition a court to have their firearms rights restored.

The ATF backed off after Crank convinced ATF to examine the law carefully.

TOP STORY: BRAZIL VOTES DOWN GUN CONTROL IN SURPRISE TURNAROUND

Only a month ago, surveys showed an overwhelming 80 percent support for Brazil's national referendum to ban gun sales.

But the actual vote by 122 million Brazilians late last month saw the referendum go down to defeat by 64 percent against the ban and 36 percent for it.

If the referendum had passed, all sales of guns and ammunition in Brazil would have been halted.

Although left-wing media such as AlterNet tried to make the gun control defeat into a U.S. plot for the arms industry, ordinary Brazilians had much simpler reasons to vote against the ban. Taxi driver Mohammed Osei told CNN, "I don't like people walking around armed on the street. But since all the bandits have guns, you need to have a gun at home."

President Luiz Inacio Lula da Silva enthusiastically worked for the ban, but many observers blamed the referendum's loss on a bribery scandal that has weakened his government and hurt his popularity.

The result could influence other developing nations, and is being closely watched by gun control groups fearful of their grip on public opinion in Third World nations.

**AROUND
THE
WORLD**

UNITED NATIONS DRAFTS NEW GUN CONTROL TREATY

The United Nations is trying to ban guns again. The latest "small-arms treaty" seeks to abolish the right of citizens to own virtually any kind of firearm.

The new treaty is backed by the European Union (EU), which currently accounts for 39% of global arms sales.

In the United States, such an effort would strike at the heart of the Constitution's Second Amendment.

Recently appointed U.S. ambassador to the U.N. John Bolton said, "The United States will not join consensus on a final document that contains measures contrary to our constitutional right to keep and bear arms."

Simon Gray, Control Arms campaign manager at anti-gun activist group Oxfam, said: "The backing of the EU for the international Arms Trade Treaty brings the treaty much closer to being a reality."

The challenge for the treaty, a year-old British initiative, is now to gain the support of the world's other big traders in handguns and small weapons, namely the United States, Russia, the Ukraine and China. At the United Nations "Millennium+5" Summit in mid-September, the US dismissed the project.

ARMENIAN PRIME MINISTER'S GIFT GUN WAS USED TO SHOOT POLITICAL OPPONENT

Prime Minister Andranik Markarian promised to be more careful who he presents with firearms as official gifts, since one of them was used in a recent high-profile murder.

Markarian gave one of his prized gift guns to Armen Keshishian, mayor of Nor Hajn. Keshishian later used it to shoot dead in broad daylight a local businessman who supported his opponent in last month's election.

Mayor Keshishian was close to Markarian's Republican Party (HHK), and is now under arrest pending trial.

Markarian is said to have given more than 500 firearms as official gifts.

CANADA'S PRIME MINISTER HITS U.S. FOR GUN SMUGGLING

Prime Minister Paul Martin called on U.S. Secretary of State Condoleezza Rice to live up to the American obligation to help stop the smuggling of guns into Canada.

Canadian federal border agents say they're puzzled by attempts to blame the U.S. for Canadian gun crime. The U.S. has agreed to open a Toronto office of the ATF and has promised to share more ballistics data with Canadian officials.

The national president of the Customs Excise Union said Canada should add border patrols and arm its agents, not point the finger southward.

U.S. ambassador David Wilkens has called the criticism unfair.

CAYMAN ISLANDS CONSIDERS TOUGH NEW FIREARMS LAW

With a year-long crime wave as spur, the government of the Cayman Islands has issued the new Firearms (Amendment) Bill 2005, that would introduce a minimum sentence of 10 years upon conviction of importing, exporting, possession or use of specified firearms, with maximum sentences up to 20 years, plus a fine of \$100,000.

Among several new offenses introduced in the bill is the unauthorized importation and possession of bullet-proof vests, used by criminals that have wrought havoc on the stability of the Cayman Islands over the past year.

AROUND THE WORLD

JAPANESE POLICE PERMITTED TO USE GUNS

Traditional Japanese police reliance on clubs was relaxed to allow guns in December 2001 following increasing casualties among policemen.

Now, with street crime on the rise, new guidelines remove a mandatory primary reliance on clubs and allow police to aim their guns at armed suspects, fire warning shots or shoot without warning.

BIZARRE DEADLINES CONFUSE SOUTH AFRICAN GUN OWNERS

Gun owners born between January 1 and March 1 have been warned by the government in Johannesburg that unless they renew their licenses by the end of December this year, their firearms would be considered illegal after that date.

South African gun laws have become harshly restrictive in the past few years. The renewal system is so complicated that gun owners get confused.

Those born in different months of the year have different deadline years: Those born April to June renew in 2006, July to September renew in 2007, those born October to December have all of 2008 to renew their licenses.

Those failing to renew at the proper time may be charged with possession of an illegal weapon.

THAI QUEEN URGES SELF-DEFENSE FOR MURDER AREA RESIDENTS

Following brutal murders of an elderly monk and two temple boys at a Buddhist temple in Pattani, Queen Sirikit has suggested that self-defense firearms training be provided for residents near the town.

Her Majesty the Queen asked General Napoi Boonthap to coordinate with the army to give the training and shotguns to all applicants living near Wat Phromprasit in Panare district. The monk was hacked to death and the boys shot dead.

The Queen, born M.R. Sirikit Kitiyakara in 1932, has won wide respect for her hands-on devotion to the welfare of her people, as shown in her direct intervention in the murder case to assure locals become able to defend themselves, their town and the temple.

Thai Buddhists and Thai Muslims have long lived in harmony, but that has now changed. The Queen directed eight special warfare soldiers to conduct a campaign of building understanding between Buddhists and Muslims in the area.

BRITAIN CONSIDERING GUN LAW CHANGE FOR 2012 OLYMPICS

The British government has begun talks about relaxing gun laws in order to help their shooters prepare for the 2012 Olympics in London.

Sports Minister Richard Caborn met with Patrick Johnson, secretary of the British Shooting Sports Council to work out details of the change. Special permission has been given for shooting to be staged in 2012, but Britain's top competitors are currently forced to do most of their training in Switzerland.

In other British gun news, the Home Office plans to restrict the sale of airguns to registered dealers, who would have to pay a £150 fee.

The measure has been inserted into the Violent Crime Reduction Bill at Westminster, but critics in Scotland said it did not go far enough. A campaign for tightening the law followed the death of Glasgow toddler Andrew Morton in March. Mark Bonini was jailed for life in August for murdering the two-year-old boy.

GUN CONTROL GROUPS SET TO CHALLENGE NEW FIREARMS INDUSTRY PROTECTIONS

The passage of the Protection of Lawful Commerce in Arms Act and its signing into law by President Bush is just the beginning of the battle, according to lawyers at the Brady Center to Prevent Gun Violence.

Dennis Henigan, director of the Brady Center's Legal Action Project, called the law "an unprecedented attack on the due process rights of victims injured by the misconduct of an industry that seeks to escape the legal rules that govern the rest of us. We believe state and federal courts across the nation are prepared to strike it down."

Brady Center lawyers have nine pending lawsuits against gun sellers and manufacturers, in which they represent individual crime victims as well as cities seeking to recover the cost of crimes involving guns.

**ON THE
LEGAL
FRONT**

No specifics about any direct constitutional challenge have yet been released, but gun rights advocates anticipate a long anti-gun campaign.

LAWSUIT THAT SUPREME COURT REFUSED TO BLOCK MAY BE THROWN OUT

The U.S. Supreme Court refused to block a lawsuit by the District of Columbia, as well as several D.C. residents injured or killed by gunfire, against gun manufacturers under D.C.'s Assault Weapons Manufacturing Strict Liability Act, but it may be tossed anyway.

The new Protection of Lawful Commerce in Arms Act is expected to render the suit void, along with nearly a dozen pending lawsuits in Indiana, New York, Pennsylvania, Massachusetts and North Carolina.

BRADY CENTER FILES NEGLIGENCE LAWSUIT IN NORTH CAROLINA

The Brady Center to Prevent Gun Violence has filed a lawsuit on behalf of Patricia Tucker, widow of Mark Tucker, a Wake County, North Carolina sheriff's investigator, alleging that a gun shop's negligence helped arm his killer.

Deputy Mark Tucker was shot in the face with a shotgun and killed on February 12, 2004, by Matthew Grant, a convicted felon. Grant was convicted of the murder in November 2004 and sentenced to life in prison.

Patricia Tucker, a nurse with strong anti-gun beliefs, wants money from Cary Jewelry & Pawn, which allegedly supplied Grant's friend, Van McQueen, with the 12-gauge Mossberg shotgun that was used to kill the deputy.

McQueen is alleged to have tried to buy the gun while drunk, but the shop clerk refused the sale. When McQueen returned sober several days later, the clerk sold him the firearm for cash. McQueen is alleged to have then given the gun to Grant, who was at the time disqualified from possessing a firearm.

Grant is also a named defendant in the lawsuit, but only for technical legal reasons, since he is not a deep pocket for lawyers to pick.

Patricia Tucker is represented in her money-seeking lawsuit by attorneys with the Brady Center to Prevent Gun Violence and by E. Spencer Parris of the Jones Martin Parris & Tessener Law Offices.

NEW YORK STOPS EBAY FROM SELLING TASER STUN GUNS TO ITS RESIDENTS

Online auctioneer eBay Inc. has reached an agreement with New York Attorney General Eliot Spitzer to block the sale and shipment of stun guns to New York residents.

An investigation by Spitzer's officer found that eBay users easily were able to buy stun guns through the company's Web site, in violation of New York laws.

New York is one of seven states that have banned the use of stun guns by citizens.

Taser International, Inc., based in Scottsdale, Arizona, has been investigated by Arizona Attorney General Terry Goddard for its safety claims, and has agreed to increase product warnings and limit the use of the word "non-lethal" in its marketing.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** Prosecutions of federal gun law violations have increased sharply in the Bush administration, according to data released by a Syracuse University-based research group, Transactional Records Access Clearinghouse (TRAC). In 2000 there were 5,490 gun charge prosecutions, while in 2004 there were 10,937. The data suggest that Janet Reno and John Ashcroft had different priorities, Ashcroft going after criminals who misuse firearms, not gun owners.

● **Houston, Texas:** A billboard campaign with "ConocoPhillips is no friend of the Second Amendment," blisters the oil company along Texas freeways for its lawsuit to overturn an Oklahoma law allowing employees to keep guns in their cars at work. The National Rifle Association is sponsoring the billboards as part of a boycott of Phillips 66 filling stations. The company is not likely to be hurt by the boycott with gas prices and profits at an all-time high. NRA officials say the campaign is actually intended to lessen the company's lobbying power by pressuring lawmakers to turn a cold shoulder on its corporate wish list until it resigns from the Oklahoma lawsuit.

● **Victorville, California:** Even though the victims of Hurricanes Katrina and Rita are a thousand miles away, the storms have increased sales of guns, earthquake insurance and home alarm systems in Victor Valley, California. Gun store Lock Stock and Barrel manager Gabe Antravious told reporters he attributes about 50 percent of their gun sales since Hurricane Katrina to customers worried about a disaster. Two months later, customers are still arming themselves.

● **Bossier City, Louisiana:** Katrina refugees preparing to return home to New Orleans are creating a boomlet in gun sales in northwest Louisiana where they took shelter from the hurricane. Kay Miculek, owner of Clark Guns & Personal Safety, said "They just want to be better safe than sorry. Her sales have increased four-fold since the hurricane made landfall August 29.

● **Racine, Wisconsin:** Police officers may soon be asking students to color in images of handguns to teach them about gun safety. The Racine Police Department got approval from the City Council to use coloring books donated by the National Rifle Association at schools. The character Eddie Eagle will help teach children responsibility. The council voted 8-7 to approve the books.

● **Washington, D.C.:** CBS News allowed veteran reporter Mike Wallace to be featured guest at a Brady Campaign anti-gun fund raiser in honor of Art Buchwald's birthday held at the French Embassy. Wallace mocked former NRA president Charlton Heston and played a "60 Minutes" video clip. Linda Mason, senior vice president for standards and special projects at CBS News, said, "We allow CBS correspondents to speak at various functions and occasionally show video. We have strict regulations that if a CBS correspondent becomes identifiable with one side of a controversial issue, they will not be allowed to cover that issue in the future.

● **London, England:** Daniel Craig (Daniel *Who?*), the new James Bond, will wield 007's famous Walther PPK in the movie Casino Royale, even though the actor personally hates guns. "I hate handguns," Craig told reporters. "Handguns are used to shoot people and as long as they are around, people will shoot each other." Great casting, MGM! Now, how about getting Britney Spears to play Tom Clancy's brainy action hero Jack Ryan?

● **Miami, Florida:** The Brady Campaign is doing everything they can to undo Florida's new self-defense law by frightening tourists away with scary warnings. They call it the "Shoot First Law" and advise visitors that "In Florida, avoid disputes that could escalate into violence." (Well, where would the Brady Bunch suggest you get into such disputes?) The fear mongering is giving Florida headaches reassuring tourists that crime is at a 34-year-low and Floridians are friendly. The Brady people have even bought ads in Britain. It doesn't seem to be working, as visits are normal. Hurricanes are the real problem.

Parting Shot

WITHOUT A GUN, WHAT WOULD HAVE HAPPENED?

The Las Vegas, Nevada TV news story came on with a dramatic opening:

"An elderly man who fought back against an armed robber is in the hospital but his accused attacker is in the morgue."

It happened at a car wash on East Sahara one recent Monday night.

Eighty-two-year-old retired businessman L. G. Von Zehner of Las Vegas was washing his Cadillac when 20-year-old Demetrius Ty-Juan Bolden and Michael Lewis, 19, both of Las Vegas, accosted Von Zehner and demanded his money at gunpoint.

The elderly man handed over his almost empty wallet and told the young thugs that he had left his money at home.

Bolden got into the Cadillac's back seat and demanded to be taken to Von Zehner's home.

Von Zehner had a pistol hidden in his car, which he pulled out and shot Bolden point blank.

In reflex, Bolden shot Von Zehner.

Even with a bullet in his chest Von Zehner managed to stumble out of his car and flag down a driver on East Sahara, who picked him up and took him to a convenience store where he called paramedics.

Von Zehner was admitted to the hospital in serious condition but is expected to recover fully.

Demetrius Ty-Juan Bolden died in the back seat of Von Zehner's Cadillac.

Police later arrested Michael Lewis, who fled the scene and tried to get rid of a gun on a nearby rooftop.

Lewis was booked into the Clark County Detention Center, charged with Robbery, Kidnap, and Attempted Murder of the 82-year old victim.

Police did not file any charges against Von Zehner, who acted in self-defense.

But the story wasn't quite over. Charlie Scott, Bolden's step-father, had a message for Von Zehner: "On behalf of my wife Tangie and me, we are truly sorry that my son tried to rob and/or kill the gentleman that was involved in this situation."

The parents asked themselves, why would Bolden, a church-going Las Vegas High School graduate making \$11 an hour as an electrician's apprentice, resort to robbery?

Michael Lewis was his cousin. They had been living in an apartment, but were going to move back home the day of the fatal robbery. Get rich quick? Prove their manhood? No one knows.

But anyone can guess what would have happened if Von Zehner had no gun.

Alan M. Gottlieb

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