

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 134

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Dear Subscriber,

New York City Mayor MICHAEL BLOOMBERG pledged during his New Year's Day second inaugural address to bring his proposal for **more restrictive gun controls** to the state capital in Albany **and to other states**.

"We will take our message to Albany, to Washington **and to every state capital or every state that permits guns to flow freely across its borders**," said BLOOMBERG.

The mayor's first four years in office have given him enough political confidence he feels can now take his game national, said observers.

Gun control zealot Sen. CHUCK SCHUMER (D-NY) was positively ecstatic over BLOOMBERG's vow to "crack down on guns." He told the *New York Post*, **"We haven't had a major Republican voice speaking out for gun control in a long time."**

But speaking out he is, **vowing for the first time to go national** with his all-out effort *to ban handgun sales in states where he has no jurisdiction*.

"That's outrageous," says gun law expert JOHN MICHAEL SNYDER. "It's about time Congress and America's scores of millions of law-abiding firearm owners combined to really sock it to Mayor BLOOMBERG and other gun-hating officials around the country."

Fortunately, SNYDER adds, **an absolutely appropriate legislative vehicle for doing just this already has been proposed** in the U.S. House of Representatives.

Congressman CLIFF STEARNS of Florida has introduced H.R. 4547, a bill that would amend Title 18 of the United States Code **to provide a national standard in accordance with which nonresidents of a state may carry concealed firearms in the state**.

The text of the bill is similar to previous STEARNS measures:

"Notwithstanding any provision of the law of any State or political subdivision thereof, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm and is carrying a valid license or permit which is issued by a State and which permits the person to carry a concealed firearm (other than a machine gun or destructive device) may carry in another State a concealed firearm (other than a machine gun or destructive device) that has been shipped or transported in interstate or foreign commerce."

"What this would mean," says SNYDER, "is that **if an individual legally licensed may carry a concealed firearm in a state, he could carry it in another state, including New York.**"

If this measure becomes law, says SNYDER, **it would really turn the tables on BLOOMBERG and other local gun-haters** who in effect oppose the ability and right of law-abiding American citizens to defend themselves and their loved ones from the violence of criminal predators.

Getting the STEARNS measure passed, says SNYDER, **"should be right at the top of the agenda of the 80 to 85 million law-abiding gun owners in the United States."**

SNYDER urged gun owners to encourage Members of Congress who "believe in the individual Second Amendment civil right of law-abiding American citizens" to co-sponsor H.R. 4547 as soon as possible.

Also in this issue: ● *Violent cops take Katrina victim's gun* ● *Italy passes self-defense law* ● *14 states consider "castle doctrine" bills* ● *Detroit thug runs when shown pistol* ● *Rapper 50 Cent warned for ad poster showing gun and baby* ● *The victim becomes the criminal in our Page Eight "Parting Shot"*

ON THE NATIONAL LEVEL

MONTANA WANTS YOUR SOCIAL SECURITY NUMBER TO GET A HUNTING LICENSE

The Montana Shooting Sports Association and several individuals have filed suit against the State of Montana to challenge a state law that requires applicants to provide their Social Security Numbers (SSN) in order to obtain licenses to hunt or fish.

The plaintiffs assert that the requirement violates their right of privacy, which is guaranteed in the state Constitution.

One individual plaintiff lost tens of thousands of dollars when her SSN was stolen by an identity thief when she purchased a fishing license.

**ON THE
LEGAL
FRONT**

NEW YORK SUES TENNESSEE GUN DISTRIBUTOR

Chattanooga Shooting Supply of Tennessee is among 41 gun distributors and manufacturers being sued by New York City officials, who say crimes in New York involved guns from Tennessee.

U.S. District Judge Jack B. Weinstein ruled in December that the lawsuit can move forward even though President Bush signed a new law that bars lawsuits against gun makers filed by cities and crime victims.

Judge Weinstein said the New York suit falls within an exception in the law that allows claims against gun suppliers for allegedly violating public nuisance laws by "recklessly selling weapons."

Chris Chiafullo, an attorney representing several distributors in the case, said the companies haven't done anything wrong. "New York City claims guns are a nuisance," he said. "It's a broad brush statement where the plaintiffs are looking for social change."

MICHIGAN UPDATES MACHINE-GUN OWNERSHIP RULES

Michigan Attorney General Mike Cox has issued a legal opinion that makes it easier for residents to obtain modern machine guns.

The ruling says possession of machine guns manufactured prior to 1986 is legal for those who follow federal application procedures, including fingerprints, a photo and a criminal background check.

The Cox ruling overturned a 1977 Attorney General opinion that limited Michigan ownership of machine guns to relics and antiques.

Congress passed a law that, as of 1986, outlawed ownership of machine guns, which did not apply to pre-1986 models.

The new ruling now allows Michiganders to own not just antique machine guns, but any made up to 1986.

The legal opinion was sought by Michael Sessa Jr, a competitive machine gun shooter and founder of Gun Owners of Macomb County.

KATRINA VICTIM'S GUN TAKEN BY VIOLENT POLICE

About 11 days after Hurricane Katrina devastated New Orleans, police entered the home of elderly Patricia Konie, asking that she leave. Her street was dry and her house intact. She explained that she didn't want to leave, she had food and water and, in case of looters, a gun.

They asked to see the gun, and she produced a revolver, carefully holding it sideways around the frame and cylinder. The officers then body-slammed her into a wall, took her gun, and escorted her out staggering.

Konie filed a lawsuit against the State of Louisiana and the State of California (officers were detailed under Louisiana command). Louisiana missed its response deadline by six days, but was granted an extension. Stay tuned.

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Publishers: Alan M. Gottlieb and Joseph P. Tartaro

Editor: Ron Arnold

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PRO-GUN CONSERVATIVES TAKE OVER CANADA'S LEADERSHIP

Gun owners were "pivotal in throwing out Liberal members of Parliament" in Canada's January election, says the Bellevue, Washington-based Citizens Committee for the Right to Keep and Bear Arms (CCRKBA).

After 12 years of liberal rule, Canadian Conservative Stephen Harper won, beating Prime Minister Paul Martin.

Canada's Liberal-inspired gun registry system was a major factor in the change of power. It was introduced as a Canadian \$2 million program, but ballooned into a billion-dollar boondoggle and alarmed even the gun control crowd, which feared a backlash. Harper gave them the backlash: he campaigned on a pledge to junk the registry and spend the savings on more police.

Another gun-related factor in Martin's political demise appears to be his blaming the United States for the serious rise in Canadian crime. Martin said it was caused by guns smuggled from the U.S., but Canadians were well aware that the smugglers themselves were Canadian criminals, not Americans.

CCRKBA executive director Joe Waldron welcomed Prime Minister Harper to the world stage. Waldron said, "We wish you well and look forward to a prompt end of the Canadian gun registry."

**AROUND THE
WORLD**

ENGLAND'S HANDGUN BAN FAILS TO STEM HUGE RISE IN CRIME

The United Kingdom's Home Office has issued its quarterly crime report, which revealed that the northern county of Yorkshire has seen a staggering 40 per cent rise in gun-related crimes compared to the same quarter last year.

Annual reports released previously showed an increase in gun-related crime in Yorkshire from 487 in 2003-04 to 690 in 2004-05. Gun control isn't working.

ITALIAN PARLIAMENT PASSES SELF-DEFENSE LAW

Legislation approved by Italian lawmakers in late January permits the use of guns and knives by people in homes or workplaces to protect lives or belongings.

The reform was introduced by the Northern League party, a conservative member of the ruling coalition with a strong anti-crime platform.

The new law will allow people to use legally registered weapons to protect themselves or others, and their property and the property of others, from harm.

It applies if there is a danger of aggression and the attacker does not desist. Anti-gun lawmakers predictably said it would encourage violence.

BUREAUCRATIC BUNGLES ANGER SOUTH AFRICAN GUN OWNERS

The South African Gun Owners Association and South African Arms and Ammunition Dealers Association have accused the department of safety and security of bungling that has caused massive delays in renewal of firearms licenses and appeals for renewal.

The application period ending March 31 will find an estimated 600,000 gun owners having to reapply for license renewals or face becoming illegal gun owners.

SWISS GOVERNMENT WANTS TO REQUIRE GUN PERMITS

The Swiss Shooting Association succeeded in convincing the cabinet to abandon its plan to create a central national weapons register, but now lawmakers have been asked to pass an amendment to require a permit for all guns, which would create a program virtually the same as a weapons register.

The government said the amendment to existing gun law will bring Switzerland into line with the European Union's Schengen accord of cross-border crime, which Swiss voters agreed to sign up to last June.

GROUPS PROMOTE "GUN-FREE ZONES"

The Geneva-based Graduate Institute of International Studies and the New York-based Quaker United Nations Office have released a report titled, "Demanding Attention: Addressing the Dynamics of Small Arms Demand." It claims demand for weapons has been lowered by gun-free zones in villages, schools and bars.

ALABAMA: DEADLY FORCE GUN BILL PENDING IN LEGISLATURE

Alabama is among 14 states considering a measure like Florida's "castle doctrine" law passed last year.

HB1, a bill expanding the circumstances in which deadly force may be used in self-defense, has cleared a House committee and is now going to the full House.

IN THE STATES

The bill, sponsored by Democratic Representative Albert Hall of Gurley, was proposed at the request of a constituent, not a gun lobbying group, Hall said.

There are several versions of the bill in the House and Senate.

ALASKA: MORE STATES CONSIDERING DEADLY FORCE BILL

Alaska Republicans have introduced Senate Bill 200, a carbon copy of the Florida "castle doctrine" law. Sen. Gene Therriault, who sponsored the Senate measure, and Rep. John Coghill, House sponsor of an identical bill, said it gives people more freedom to protect themselves.

ARKANSAS JOINS THE CASTLE DOCTRINE MOVEMENT

Gov. Mike Huckabee has said he would support legislation in Arkansas like the Florida "castle doctrine" law.

Huckabee told a caller to his monthly radio show that he has a permit to carry a concealed weapon and believes "there is an absolute right that people have to protect themselves and even their property."

FLORIDA VOTER REGISTRATION BILL PASSES FIRST HURDLE

HB125, a bill modeled after a Georgia law dubbed the "Shooter Voter" bill, would require businesses that sell hunting and fishing licenses to help register customers to vote.

Places ranging from Wal-Mart to bait-and-tackle shops would have to offer voter-registration forms to customers who buy a hunting, fishing or trapping license or permit.

Democratic lawmakers complained that the Republican-controlled Legislature's real intent is signing up more NRA- and GOP-friendly voters.

GEORGIA BILL WOULD EXTEND GUN RIGHTS

House Bill 998, sponsored by Rep. Tom Graves (R-Ranger), would allow gun owners to keep a gun in their car when parked, even if a business bans guns from their parking lot.

Graves said, "I don't think you should have to check your Second Amendment rights at somebody's parking lot."

The bill could pit property rights against gun rights, a worry that stopped a scheduled vote in the House public safety committee. The bill's fate is uncertain.

ILLINOIS GOVERNOR PUSHES STATE "ASSAULT WEAPONS" BAN

Gov. Rod Blagojevich used his State of the State speech to dredge up the defeated ban on semiautomatic firearms, drawing criticism from gun rights supporters.

Champaign County Rifle Association Vice President John Boch said such a ban would not bring a drop in crime.

"These firearms are so seldom used in crime," he said. "It's really just a red herring." He cited the failure of Washington, D.C.'s strict gun laws as a lesson.

MISSISSIPPI LAWMAKERS CONSIDER FOUR SELF-DEFENSE BILLS

Three bills in the House and one in the Senate would take the burden of proof off of victims of burglaries or carjackings who use deadly force.

Senate Judiciary A Committee Chairman Charlie Ross (R-Brandon) co-authored Senate Bill 2426 with Sen. Ralph Doxey (R-Holly Springs).

The bills are all similar to the Florida "castle doctrine" law, but none have made it out of committee. The Senate bill has 30 co-sponsors, a strong showing.

CONCEALED CARRY MEASURE LOOKS STRONG IN NEBRASKA

LB454, a concealed weapons measure introduced by Senator Jeannie Combs (R-Milligan), has passed on general file by a vote of 33-11, more support than it has had since supporters first tried to get such a bill passed in 1996.

IN THE STATES

The measure needed only 25 votes to advance. If the 33 votes hold, it would be enough to pass the legislation with an emergency clause, putting it into effect sooner. There would also be enough votes to override any veto by the Governor.

NEVADA CONCEALED CARRY EXEMPTION RESTORED

Nevada's Carry Concealed Weapons (CCW) permit now qualifies as an alternative to the National Instant Criminal Background System Check (NICS). This exemption was suspended in October 2005 because of misinformation between state and local authorities, but restored January 5.

During the lapse, CCW permit holders were forced to pay \$25 for a background check, a fee they were previously excused from.

NEW HAMPSHIRE BILL TO PREVENT KATRINA-STYLE GUN SEIZURES

Lawmakers are reviewing House Bill 1639-FN, a bill which would criminalize certain weapons seizures, even if the perpetrators were federal officers.

The bill makes any law enforcement officer who confiscates or even attempts to confiscate a lawfully owned firearm guilty of a Class A felony.

The bill was requested by local Free Staters, a group trying to recruit freedom lovers to New Hampshire and turn it even more libertarian than it is.

NEW YORK BILL WOULD CONTROL AMMUNITION SALES

Members of the Assembly Rules Committee have introduced AB 9083, a measure requiring retailers to remove ammunition from displays and store it in locations accessible only to employees.

Customers would be prevented from browsing and comparing brands and loads.

Lawrence Keane, senior vice president and general counsel of the National Shooting Sports Foundation (NSSF) said the measure is not necessary to prevent ammunition theft, which is not a significant problem in retail establishments.

OHIO CONCEALED CARRY REFORM BILL MEETS SNAGS

HB347, a bill designed to correct problems with Ohio's two-year-old concealed handgun law, has won the endorsement of Ohioans for Concealed Carry (OFCC), according to President Jeff Garvas. However, the group told the Criminal Justice Committee that several provisions need to be fixed before the bill is passed, such as a requirement that permittees be U.S. citizens, and the failure to remedy such unforeseen problems as forbidding concealed carry at rest stops because they are government buildings - and extremely high crime risks.

SOUTH DAKOTA ALLOWS COPS TO SELL SEIZED CRIME GUNS

HB1075, which allows the state crime lab and local police to sell seized firearms, was sent to the House floor on a 12-1 vote. Local law agencies can now do that, but the state crime lab cannot. The bill would allow the lab to declare confiscated weapons surplus and sell them.

VIRGINIA PANEL KILLS GUN SHOW BILL

For the fourth year in a row, legislators have rejected a bill requiring private sellers at gun shows to conduct criminal background checks on buyers.

WISCONSIN ASSEMBLY FAILS TO OVERRIDE CONCEALED CARRY VETO

Although the state Senate overrode a veto by Gov. Jim Doyle of a bill to allow concealed carry of firearms, the Democrat-controlled Assembly did not muster the needed votes. Gun rights advocates warn that voters will remember.

CHATTANOOGA ROBBERY VICTIM OVERCOMES ROBBER

A man who was being robbed at Extended Stay Motel on Airpark Drive got the gun away from the young robber and held it on him until police arrived.

Police said the man who was being robbed was shot in the hand during the struggle. *The Chattanooga* newspaper did not identify either party, but wrote, "A 17-year-old black male was taken into custody."

The suspect was charged with attempted first-degree murder, especially aggravated robbery and aggravated assault.

SELF-DEFENSE

DETROIT THUG RUNS WHEN SHOWN A PISTOL

A man entered Harry's Market on Opdyke Road at about 8:00 a.m., implied to a clerk that he had a handgun and demanded money.

The store manager appeared with a pistol pointed at the robber.

The suspect, described as 6 feet 2, with shoulder-length black hair, wearing a black jacket, blue pants and white running shoes, ran when he saw the gun.

FLORIDA WOMAN SHOTS INTRUDER

A 67-year-old man broke into the two-story townhouse of a woman in Lauderdale and refused to leave when ordered out.

It was 6:30 a.m. when one of the woman's three children spotted the man and told her mother.

The woman feared for her children and tried to get the man out, but he remained. She got her 9 mm handgun and shot him once in the abdomen.

The intruder staggered outside and collapsed. Police and an aid car responded to the scene and the suspect was rushed to Broward General Medical Center.

The case is being investigated as self-defense, said Police Lt. Tundra King.

CINCINNATI ROBBER CHASED AWAY

A man entered the Kwik-N-Kold convenience store on Daly Road about 9 p.m., aimed at shotgun at a clerk and demanded money.

The clerk gave the man money, but as the gunman left, another clerk followed him into the parking lot and opened fire on him.

The robber returned fire, but didn't hit either clerk. The clerk told police he hit the robber with four shots, but no gunshot victim appeared at any area hospital.

The robber was last seen leaving the area in a tan Toyota with a burned-out headlight.

RENO WOMAN WITH HANDGUN SCARE OFF TWO BURGLARS

Two burglars tried to use a crowbar to force their way into a second-story Reno apartment. A male resident heard them and opened the door.

The two intruders charged through the door and demanded money. One of the burglars went to a bedroom where he confronted a woman resident.

The woman pointed a handgun at the two male suspects, who ran from the apartment and left in a 1986 white Subaru hatchback with Nevada license plate 983-TFF.

ELDERLY BAKERSFIELD ROBBERY VICTIM SHOTS INTRUDERS

Three suspects invaded the Kearney Hills Drive home of an elderly husband and wife couple in an attempted robbery at 9:45 p.m.

At least one of the intruders was armed with a handgun and began to beat the husband.

The husband got his handgun and shot two of the intruders.

Police responding to the scene found one suspect dead in the front yard of the victim's home, and a second suspect still at the scene suffering from gunshot wounds.

The third suspect fled on foot but was captured near the neighborhood by responding officers shortly after the incident.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **New Haven, Connecticut:** U.S. Repeating Arms has announced it will close its Winchester firearms factory because of slumping firearms sales. The rifle is known as the gun that won the West. U.S. Repeating Arms is owned by the Herstal Group in Belgium, which has said for years it was on the brink of closing the factory. The Winchester name is owned by Missouri-based Olin Corp., which sold U.S. Repeating Arms the right to use the name until next year. New Haven city officials are seeking a buyer to continue making guns.

● **Madison, North Carolina:** Remington Arms Co. is offering a line of new 2006 products designed to appeal to turkey and deer hunters, including the Model 11-97 Sportsman Synthetic Fully Rifled Cantilever 20-gauge shotgun for the hunter who wants rifle-like accuracy in a lighter-weight, softer recoiling package. Eddie Stevenson, company public relations manager, said, "We offer products from the whole gamut. You name it and we have a specialty product for it."

● **Springfield, Massachusetts:** Smith & Wesson Corporation has announced its initial entry into the market for tactical rifles. The company will begin shipments this month of the Smith & Wesson Military & Police (M&P) Rifle and M&P15T Rifle. Michael F. Golden, Smith & Wesson's President and CEO, said, "We are entering the \$1 billion market for long guns with products that provide the exceptional functionality and reliability our customers have come to expect."

● **Cleveland, Ohio:** Ohioans for Concealed Carry has endorsed Republican J. Kenneth Blackwell for governor. OFCC President Jeff Garvas said, "Ken Blackwell, a Life Member of the NRA, has been a strong supporter of the rights of gun owners." All of the Republican candidates remaining in the race answered the OFCC survey positively, putting the group in the unenviable position of having to choose amongst friends. Blackwell did best in several informal OFCC member polls.

● **San Francisco, California:** Talk show host Jeff Katz of Talk 910AM KNEW has received the Second Amendment Foundation's 2005 James Madison Award, given each year to pro-gun rights members of the media. A news release said, "Jeff Katz is perhaps the most outspoken radio talk show host in America to support the Second Amendment."

● **London, England:** American rapper 50 Cent (real name Curtis Jackson) has been warned by the Advertising Standards Authority (ASA) that the marketing campaign poster for the star's soundtrack to the film "Get Rich or Die Tryin'" is irresponsible. It shows the singer naked from the waist up with a gun in his waistband and holding a baby. The ASA is an industry sponsored watchdog to self-police marketing programs and respond to consumer complaints. ASA had received 17 complaints. Britain has very strict gun control and high crime.

● **Boston:** A city councilor is proposing that global positioning technology be installed in firearms. Councilor Rob Consalvo want to put a tracking device into newly manufactured guns and have legal gun owners retrofit their firearms so owners and police can locate and retrieve stolen guns the same way they use a computer chip to locate stolen cars. Jim Wallace of the Gun Owners' Action League said that tracking devices would threaten individual privacy.

● **Bellevue, Washington:** Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, has blasted City of Seattle plans to hire a "Crime Gun Program Coordinator" as a bureaucratic boondoggle. The coordinator, said Waldron, will be "nothing more than a bureaucrat whose job will be to create and advocate gun control schemes under the guise of stopping criminal misuse of firearms." The program coordinator will cost taxpayers between \$61,366 and \$92,060 and be "nothing more than the Seattle Police Department's official gun control advocate," said Waldron. The job description reveals that the coordinator would actually spend the most time developing "gun legislation." Waldron suggested that the only useful thing the coordinator could do is find the handgun stolen from Police Chief Gil Kerlikowski in 2004.

Parting Shot

BATTERED WOMAN CONVICTED FOR CARRYING FIREARM

A woman who had carried a gun in her purse to help protect her from her husband, who she believed was trying to kill her, has been turned into a criminal herself when California prosecutors convicted her of carrying a concealed firearm without a permit.

The 51-year-old woman had a restraining order against her husband, whom she left in 2001 and went underground through the California Confidential Address Program, with a phony address in Sacramento. She was terrified by his brutality and worried about his stealth.

Last summer she suspected that her husband had located her and realized the police couldn't protect her 24/7, so she began carrying a handgun in her purse. She waited the required 10-day period and registered it legally.

Her legal troubles started when she stopped at an Albertson's Supermarket in Half Moon Bay, California, on her way home and accidentally left her purse at the checkout counter. Her loaded handgun was in it.

"Rebecca," a false name given to the woman by *San Francisco Chronicle* columnist Joan Ryan, believed she could carry a gun legally without a permit. There is an exception in the law for anyone who "reasonably believes that he or she is in grave danger because of circumstances forming the basis of a current restraining order."

Unknown to "Rebecca," the restraining order had expired in June. She thought it was permanent.

Her lawyer, Ben Lamar, said that the restraining order would have created a technical defense, but without that, she didn't have anything.

So she became a convicted felon, forever forbidden to possess a firearm, and perhaps thrown out of the Confidential Address Program.

She was sentenced to 10 days in jail and 18 months probation. She was allowed to work in jail during the day and sleep at home. It cost her \$20 per day, plus an additional \$60 fee, 10 days of lost wages, the \$160 fine she has already paid, and the gas to drive from the county where she lives to the San Mateo County Jail.

The prosecutors used her actual address on public records, a mistake they are trying to fix.

Attorney Myra Weiher is trying to get the conviction set aside.

Columnist Ryan said it all: "Something's wrong when, in trying to keep herself alive, the terrorized woman becomes the criminal."

Alan M. Gottlieb

Joseph D. Tartaro

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