

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The U.S. House Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security has heard **testimony on the heavy-handed tactics of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) at a gun show in Richmond, Virginia last August.**

Rep. HOWARD COBLE (R-NC) chairs the subcommittee, which has jurisdiction over ATF. He supports the agency's mission, **but questions some of its tactics.**

ANNETTE GEILLES of Showmasters, who is the Richmond gun show organizer, told the subcommittee that **agents' aggressive tactics unnerved some attendees.**

"I think they were there trying to shut the show down," GEILLES said. "Why else would they bring that many officers? **It scared away a lot of law-abiding people.**"

Witnesses told the panel that a large team of federal, city, state and county police patrolled the two-day show, harassing law-abiding gun buyers while looking for illicit gun sales.

Attendees estimated the number of agents present as in the hundreds, but ATF director CARL J. TRUSCOTT said the number was between 25 and 50.

Rep COBLE said, "ATF reports that **206 participants were stopped and interviewed** while it **confiscated firearms from another 50 participants.**"

In some cases, **officers followed gun buyers** from the show or **went to their homes** to confirm addresses listed on background check forms, said one witness.

COBLE noted that most of the firearms were returned, but only after buyers were ordered by a form letter *to appear at the local ATF office to discuss their transactions.*

COBLE was alarmed that ATF cited no authority for the gun confiscations or the mandatory office visits.

Rep. BOBBY SCOTT (D-VA) said the ATF letter and the reported interrogation of lawful gun buyers raise "serious questions."

JOHN WHITE, a show exhibitor, licensed dealer and former police officer, testified that **he appreciates law enforcement officials' efforts to prevent illegal sales, but that enforcement activities went too far,** especially in *focusing on buyers who were women or members of minority groups.*

SUZANNE McCOMAS, a private investigator hired by the National Rifle Association, testified and provided sworn affidavits from **individuals who were singled out for ATF attention, apparently on the basis of race or gender.**

TRUSCOTT defended his agency in a letter to the committee, saying there had been four homicides in Richmond with guns sold at gun shows.

He also defended the "residence checks" as "an important and useful tool to ensure the lawfulness of firearms transactions and to prevent straw purchases."

In an ironic twist, **Director TRUSCOTT was linked to cost overruns for the new headquarters building of the ATF.** The Justice Department inspector's office received a complaint alleging that TRUSCOTT ordered unnecessary changes, including \$300,000 in extras for the director's suite, such as a \$65,000 conference table, \$100,000 for hardwood floors and more for custom trim and other items.

Also in this issue: ● *Honest gun owner jailed* ● *New York anti-gun lawsuit may be sunk* ● *Hawaii women want concealed carry* ● *Iraqi journalists want to carry guns for self defense* ● *Robert F. Williams: black hero of civil rights and self defense* ● *Self defense nationwide in our Page Eight "Parting Shot"*

ON THE NATIONAL LEVEL

JUDGE IN PENNSYLVANIA: NO SOCIAL SECURITY NUMBER TO BUY A GUN

Pennsylvania's requirement that buyers provide a Social Security number to purchase a gun or obtain a concealed-weapons permit has been struck down by a federal judge.

U.S. District Judge Juan R. Sanchez ruled that the state law violated the federal privacy act.

Lawyer J. Dwight Yoder, who brought the case on behalf of a retired U.S. Army officer from Lancaster, said "This ruling is about privacy, not guns. We weren't looking to circumvent gun laws."

The issue has been largely overlooked in Pennsylvania and other states for a long time.

Lawyers for the Pennsylvania State Police are considering an appeal, said spokesman Jack Lewis. The agency has simply "followed the requirements of the state's Uniform Firearms Act," he said.

The gun-related requirement does not fall within legal exceptions to the Privacy Act's protection of Social Security numbers. The act does not apply to state and local government programs specifically exempted by federal law, such as driver's license applications, or to programs from before 1974, such as voter registration.

Sanchez's ruling noted that the right of privacy as to Social Security numbers exists under a federal law, not as a right the U.S. Supreme Court had interpreted as protected by the Constitution.

Robert Ellis Smith, publisher of the Privacy Journal in Providence, R.I., said, "The decision is part of a trend in the last 10 years as courts realize the importance of keeping Social Security numbers confidential because of identity theft."

**ON THE
LEGAL
FRONT**

GUN GROUP SUES NEW JERSEY AIRPORT FOR JAILING HONEST GUN OWNER

The Association of New Jersey Rifle & Pistol Clubs, Inc (ANJRPC) has filed a lawsuit against the Port Authority of New York and New Jersey and one of its police officers for wrongfully arresting and imprisoning a 57-year-old Utah man who was delayed by a baggage error while traveling from Utah to Pennsylvania.

Gregg Revell, a Utah real estate agent with no criminal record and a Utah firearms permit, was flying alone from Salt Lake City, UT to Allentown, PA to retrieve a car he bought and drive it home.

He was traveling with a firearm for his personal protection. As required by federal law, the firearm was unloaded, cased, locked and inside his luggage when he declared it at check-in in Salt Lake City on March 31, 2005.

Due to an airline-caused baggage error, Mr. Revell missed his connection from Newark to Allentown and had to stay overnight in New Jersey. When he checked in at Newark Airport the next morning to complete his travels, he again declared the firearm, as required by FAA regulations. He was then arrested for possession of a firearm without a New Jersey state license and imprisoned in Essex County jail for five days until his family arranged bail, which had been initially set unusually high at \$15,000 cash, no bond.

After several months of court wrangling, all charges were withdrawn and the New Jersey prosecutor's case was dismissed.

ANJRPC's lawsuit contends that Mr. Revell's travel was protected by the Firearms Owner Protection Act, a federal law passed in 1986 to protect law-abiding gun owners who travel. The plaintiffs are asking for \$3 million in damages for civil rights violations.

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RALEIGH ORDINANCES CLASSIFY PAINTBALL GUNS AS FIREARMS

Although North Carolina statutes don't classify paintball guns as firearms, Raleigh ordinances do. If you don't know that, you can land in a heap of trouble.

**ON THE
LEGAL
FRONT**

Ask 12-year-old Lawrence Thomas. He was using a paintball gun to shoot targets in his back yard one recent Sunday afternoon when a neighbor mistook the gun for a semiautomatic weapon and called police.

Officers responded, drew their weapons on Thomas and a 13-year-old friend, took him into custody and confiscated the paintball gun.

He must now appear in juvenile court for committing a misdemeanor and could be sentenced to community service.

The boy's mother, Aliyah Thomas, questioned the officers' actions toward her son, calling the paintball gun a toy. But Raleigh Police department officials said municipal ordinances are clear: paintball guns are firearms, regardless of the fact that they can be purchased in toy stores.

John Fanney, a Raleigh lawyer, sided with police: "You refer back to the first language. Air rifle, gun pistol, or spring gun. A paintball gun falls into that because it's operated off of compressed air. Under the city code, they could treat it just the same."

GUN RIGHTS ADVOCATES URGE JUDGE TO OVERTURN SAN FRANCISCO HANDGUN BAN

The Second Amendment Foundation and the National Rifle Association have urged San Francisco County Superior Court Judge James Warren to overturn an ordinance banning handgun possession and firearms sales within the City of San Francisco.

Voters approved the ban in Measure H by the San Francisco County Board of Supervisors last November.

Attorneys for the gun rights advocates argued that a local government cannot ban weapons because the California legislature allows their sale and possession, and has nearly exclusive authority to regulate them.

Deputy City Attorney Wayne Snodgrass told Judge Warren the city can adopt the ordinance because state law "is simply not protecting San Franciscans enough."

Snodgrass bolstered his weak argument with citations of two California Supreme Court rulings that he claimed vested San Francisco with the right to enforce Measure H.

One ruling gave West Hollywood the right to ban cheap handguns used in violent crime and the other allowed Alameda and Los Angeles counties to ban sale and possession of firearms on government property such as fairgrounds.

However, neither of those cases addressed the issue of private sales on private property, which is the core of Measure H.

Thus, the City's arguments appear weak.

IS NEW YORK CITY'S GUN LAWSUIT VIABLE?

Eastern District New York Judge Jack B. Weinstein has ordered the city of New York to explain why its suit should not be dismissed in light of language in the appropriations bill passed by Congress last year.

Judge Weinstein had allowed the case to continue as being exempt from other laws. The new legislation bars the use of a federal database that tracks firearms as evidence in civil litigation.

The Firearms Trace System database is central to the city's suit, which alleges that gun manufacturers sell excess weapons in cities and states with less restrictive gun laws, knowing that unqualified buyers in New York will obtain the weapons through "straw" purchases.

The city alleges that gun manufacturers know which dealers are selling firearms that are used in crimes, and it had intended to use the database to help prove the case.

Assistant Corporation Counsel Eric Proshansky, the city's lead attorney on the case, said the new legislation would force the city "to prove this case in a manner that does not require trace data," a far more difficult task.

ALABAMA: HOUSE VOTES TO EXPAND DEADLY FORCE RULE

The Alabama House has voted to expand the instances when a person can use deadly force to protect his or her home or automobile.

The House voted 97-2 in favor of the bill. The sponsor, Democratic Representative Albert Hall of Gurley, negotiated with the Black Caucus to prevent a filibuster.

IN THE STATES

ALASKA: NO GUN SEIZURES IN A DISASTER

House Bill 400 would make it a Class A felony for anyone during a state-declared emergency to confiscate or attempt to confiscate any lawfully owned or carried firearm. The penalty could be as heavy as a 20-year prison sentence and a quarter-million-dollar fine. The bill is a response to the Katrina experience.

ARIZONA MAY ELIMINATE REFRESHER TRAINING REQUIREMENT

The Arizona House has voted to eliminate the requirement that permit holders periodically get two hours of refresher training on gun safety, updates of weapons and other topics. The bill now goes to the Senate.

The Arizona Senate has voted to make it more difficult to convict people who say they killed someone in self defense. Prosecutors would have to prove beyond a reasonable doubt that it was not true.

The Senate also passed a "Katrina Bill" to stop confiscation of legal firearms during a disaster.

FLORIDA GUN AND BAIT SHOP BILL IN WORKS

Hunters and anglers seeking a Florida license may soon find they can register to vote at their favorite gun or tack shop.

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.

TWO GEORGIA BILLS AFFECT GUN RIGHTS

The Georgia House of Representatives has voted 165-1 to require background checks for gun license renewals. It also bars pistol carry permits for illegal aliens, illegal drug users and mentally challenged people.

HB 998, a bill to allow permittees to carry secured firearms in their vehicles for personal protection and other lawful purposes has passed the House Public Safety Committee and is now in the House Rules Committee. It would stop businesses from preventing owners from keeping guns in their cars on company property.

HAWAII: WOMEN WANT RIGHT TO CONCEALED CARRY

The Senate Judiciary Committee is considering an open carry bill, but the Intergovernmental Affairs and Judiciary Committees killed two gun bills, one that would allow concealed carry and a "Katrina Bill" to protect gun rights in a disaster.

In hearings, dozens of women favoring concealed carry rights were not allowed to testify, only law enforcement officials got to speak.

A bill to force the state Attorney General to allow retired police officers the right to concealed carry passed a Senate committee.

ILLINOIS HUNTING/FISHING SUPERSTORE PLAN ATTACKED

Chicago Mayor Richard Daley and Governor Rod Blagojevich are pushing HB4693, a bill to block plans by major hunting and fishing retailer Cabela's to build a superstore in suburban Chicago.

Cabela's, based in Sydney, Nebraska, recently announced plans to build a destination superstore in northwest suburb, Hoffman Estates. The store would employ 400 people and feature a wide variety of gear to meet the needs of outdoor sportsmen, including retail firearms.

The Village of Hoffman Estates has repealed its gun registration ordinance to get the Cabela's store, but the state bill could stop it cold.

INDIANA BILLS PROPOSE TO WIDEN GUN RIGHTS

House Bill 1176 has passed the House 78-21, allowing gun owners to switch their current four-year permit to a lifetime permit costing \$100, with \$60 going to the state police and \$40 staying local. First-time applicants would pay \$125. Senate Bill 54 contains the same provisions.

House Bill 1028, a "stand your ground" self defense measure similar to the Florida "Castle Doctrine" law, passed the House 82-18. It removes the requirement that anyone attacked must retreat and may use deadly force to defend themselves.

KANSAS SENATE PASSES CONCEALED CARRY PLAN

The Kansas Senate has approved a concealed carry law by 29-11, which is a crucial number. If the House passes the bill and Gov. Kathleen Sebelius vetoes it, as she has indicated she might, a two-thirds vote of both chambers would be needed to override the veto.

A nearly identical plan passed in 2004, but Sebelius vetoed it and there weren't enough votes to override.

KENTUCKY CONSIDERING "CASTLE DOCTRINE" BILL

A self defense bill protecting homeowners who shoot intruders has cleared the Kentucky House on an 84-4 vote. The bill now goes to the Senate.

MICHIGAN BILL WOULD BAR EMPLOYEER GUN DISCRIMINATION

A Senate bill would allow workers to bring civil suits against employers if they are discriminated against on the basis of being a gun owner. Protected employees would have to legally own and have the right to use firearms.

SOUTH DAKOTA BILL TO PROTECT APPLICANT NAMES PASSES

A bill to block release of the names of people who apply for concealed handgun permits received final approval late last month and goes to Gov. Mike Rounds. A 2005 law blocked permittee names, but not applicants.

UTAH RESIDENTS MAY GET LOADED WEAPON RIGHTS

Senate Bill 24, which would allow residents to keep a loaded firearm at home without a concealed weapons permit, has passed the Senate Judiciary, Law Enforcement and Criminal Justice Committee 8-0 and now heads for the full Senate for debate. Keeping a loaded gun at home is now a misdemeanor violation of state law.

WISCONSIN GUN CLUBS MAY GET TAX EXEMPTION

The state's largely volunteer-staffed gun clubs may get a tax exemption as a result of unexpected tax bills on the membership fees they collect, which have previously not been taxed. A bill creating the tax exemption has passed the state Assembly and now requires passage by the Senate and approval of Governor Doyle.

WYOMING CONCEALED CARRY MAY BE EXPANDED

The Wyoming House has overwhelmingly passed a bill that would enable residents to carry concealed handguns without going through the existing state permit process. No disqualified persons would be able to carry guns, though.

VIRGINIA "CASTLE DOCTRINE" BILL STRUCK DOWN

The state Senate has rejected a bill that would protect crime victims from prosecution or civil suit if they shoot the criminal in self defense. Prosecutors had urged the Senate to defeat it.

WASHINGTON GUN SHOW LEGISLATION DEFEATED

SB 5343, a bill that would have prohibited non-licensed individuals from buying, selling, or trading firearms at gun shows unless they made the exchange through a licensed firearm dealer, has been defeated in a Senate committee, 5-3.

AUSTRALIAN POSTAL SERVICE WONT CARRY LEGAL GUN PARTS

The Australia Post is refusing to carry items as harmless as firearm barrels or trigger mechanisms, which has angered firearm advocates and prompted legislator Dick Adams of Lyons to write the postal carrier for an explanation.

Australia Post spokesman Matt Pollard said it was a matter of safety and to prevent delays. Whenever any firearm or component is detected, the postal system shuts down until investigators give the okay, which causes delays that affect everyone. Gun owners will have to suffer the inconvenience.

**AROUND THE
WORLD**

AND YOU THOUGHT \$1 BILLION WAS HIGH FOR CANADA'S GUN REGISTRY

Canada's new Public Security Minister Stockwell Day has hinted that the forthcoming audit of the nation's ill-fated gun registry will show a cost far higher than previous estimates in the range of \$1 billion for a system originally touted as costing about \$2 million.

While not divulging exact amounts, Day said it would be "upsetting." Dennis Young, a researcher in the office of Conservative MP and registry critic Garry Breitkreuz, told the Calgary Sun the number will be closer to \$2 billion and may approach \$3 billion.

JAMAICA GETS NEW GUN AUTHORITY

The Independent Central Firearm Licensing Authority held its first meeting recently, taking charge of the granting of firearm licenses from the police.

The police lost the licensing job in 2004 because of scandals over complaints that known criminals and other shady characters were given firearms permits by corrupt police officers.

JAPAN MAY BAN TOY AIR GUNS

Japan's National Police Agency wants to ban the ownership of powerful toy air guns which are being remodeled to give them killing power.

The agency will submit legislation to revise the firearms control law to the ongoing Diet session. A violator of the proposed law will face imprisonment of up to one year or a fine of up to 300,000 yen (about \$2,500 US dollars).

AGENCY URGES JOURNALISTS TO GO UNARMED IN IRAQ

The International News Safety Institute is pleading with journalists in Iraq to resist suggestions that they should carry guns, following the killing of al-Arabiya's Iraq correspondent Bahjat, cameraman Khalid Mahmoud and technician Adnan Kharirullah in late February.

After the killings, a reporter asked Iraqi president Jalal Talabani to allow journalists to carry weapons in self-defense. 104 journalists and support staff have been killed in Iraq in the past 23 months.

NEW ZEALAND POLICE MINISTER DRUBBED FOR INVITING PRO-GUN SPEAKERS

The Green Party of New Zealand has castigated Police Minister Annette King for inviting five pro-gun advocates to a gun safety conference in Christchurch.

The Greens were upset that anyone would suggest that gun safety could be improved if people had the right to armed self-defense, which they don't in New Zealand.

ENGLAND'S SHOOTING CRIMES RISE

The County of Bedfordshire, just north of London, has experienced depressing crime statistics, for being in a nation with strict gun bans.

Shooting crimes have increased and robberies were up a staggering 30.8 percent, up from 767 to 1,003 crimes between April and December last year. Murders and sexual offenses were also up.

Deputy chief constable for Bedfordshire Martin Stuart said, "Clearly violent crime and the fear it causes people must be addressed."

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** Only 27% of Americans are concerned about Vice President Cheney's hunting accident and believe it affects his ability to serve in office. 57% say it was "just one of those very embarrassing things that happens to all of us." The figures were released by Rasmussen polls.

● **Hollywood:** Academy Award-nominee Paul Giamatti had to wait until he got back to the U.S. from filming in Canada to celebrate his Oscar nod--because he lets off steam at a shooting range. "I have to go to a pistol range and fire some handguns off," he said. He's nominated for Best Supporting Actor in *Cinderella Man*.

● **St. Louis:** Football hero Dave Butz was the oldest active football player in the league when he retired at 38. But he didn't stay retired and was elected to the NRA board of directors in 2001 for a 3-year term. He remains an outside consultant working on endowment funds. He's busy with 186 projects, everything from Boy Scouts to women learning self-defense.

● **Monroe, North Carolina:** Robert F. Williams was a black man born in 1925 in the hometown of the Southeastern Regional Ku Klux Klan. He served in the segregated U.S. Army during World War II and learned to handle arms. He returned to Monroe and married. He became a civil rights defender with a difference. When he tried to open a local public swimming pool to black children, he received death threats and physical attacks. In one incident a car of whites drove his car full of students off the road. The white driver scrambled out with a baseball bat, yelling, "Nigger, what did you hit me for?" A mob gathered quickly to watch the white man beat the brains out of the black man. But the black man pointed a .45 directly in the attacker's face. A police officer told him to surrender the gun for the mob-kill to come. William hit the cop in the face with his gun and said he'd never surrender to a mob. A second police officer started to draw a revolver, but one of Williams' students, a 17-year-old boy, aimed a .45 directly in the policeman's face and warned him to put his gun back in the holster or he'd be killed. The police decided that discretion was the better part of valor. They dispersed the crowd and escorted Williams and his students out of the area. When the KKK rampaged into the black section of town one night, Williams saw to it that they were met by an armed cordon of black men. They departed hurriedly. Williams preached that all black people should defend their rights and their lives, and when necessary to meet armed violence with armed violence. The NAACP denounced him as a bad example at the 1959 convention. He rebutted that he asked for self-defense, not acts of war. "We as men should stand up and protect our women and children. I am a man and will walk upright as a man should. I will not crawl."

● **Upper Sandusky, Ohio:** The name of Ithaca Gun has risen from the ashes of its earlier life manufacturing shotguns, but it's now Ithaca Guns USA, LLC, relocated from New York to Ohio. Craig and Floyd Marshall, owners of MoldCraft, a tool and die company, purchased the rights to the Ithaca Guns name, designs and inventory in December. The original company suffered through many episodes of almost going over the brink only to be rescued until it finally closed its doors last year. The former owners turned down a larger offer so they could keep the gun company in the United States and assure that quality would be maintained.

● **Atlanta, Georgia:** Multi-talented celebrity Anna Benson eats right, looks right, gives tart and sassy interviews, is married to New York Mets pitcher Kris Benson, and does charity work while raising three kids. She's also a super gun rights advocate, who recently wrote a "Dear Gun Haters" letter on her website (www.annabenson.net) saying, "I am writing this letter as a young, female pistol-packing mama. I am a staunch defender of my right to bear arms. I want to protect my right to defend myself, my home and my family."

Parting Shot

SELF-DEFENSE IS WORKING ACROSS THE NATION

Three masked men attempted to rob Eucledes Moya's West Paterson, New Jersey home around 9 a.m. One had a gun.

But Moya knew they were coming. His wife called from her car and told him on her cell phone that a vehicle followed her and parked in front of their house.

Moya said, "These three guys came up to my house. I opened the door and they tried to put a gun to my head."

The men did not know Moya was armed. The intruder with the gun fired at Moya and Moya fired back, at least four times.

He doesn't know if he hit any of the three, but they fled and police did not apprehend any suspects.

Near Ft. Worth, Texas, a would-be robber entered an H.E.B. Food Mart just before 11 p.m. demanding money. He shot one of two employees.

The second employee got the store handgun and shot the robber in the chest as he fled.

The suspect managed to jump over a fence before collapsing. He died later at an area hospital.

The wounded employee fled to an apartment complex across the street and called for help. He was hospitalized in serious condition but is expected to recover. He was working a second job to support his wife and two young children.

A woman named Yong Bryant was on duty as clerk at the Liberty Street Grocery in Winston-Salem, North Carolina, when two people wearing ski masks entered the store demanding money. One pointed a handgun at her.

Bryant pulled her own handgun from beneath the counter and pointed it at the two, who ran.

They were joined by a third person who fled with them. Police located the three, who ran when they saw officers approaching, but were apprehended and charged with attempted armed robbery and resisting arrest.

All three were sixteen years old.

In East St. Louis, Illinois, at 2 a.m., an 87-year-old woman heard a man coming through a side window of her home where he had removed the burglar bars.

The elderly lady shot and killed him. Not realizing she had hit him, she went back to bed. Her daughter arrived to feed her the next morning and found the man's body lying inside a screened-in porch.

Someone had tried to break into the woman's home in December and a family member gave her the gun to protect herself.

Alan M. Gottlieb

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