

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Anti-gun mayors **MICHAEL BLOOMBERG** of New York and **THOMAS MENINO** of Boston have held a highly-publicized "Mayor's Gun Summit" that turned into a national gun control campaign.

They came up with a six-point "statement of principles" pledging to find "innovative new ways" to advance gun control.

BLOOMBERG criticized the federal government for not doing enough to stop crime in his city.

Fifteen mayors converged on New York's governor's mansion, **eight from the liberal Northeast** and *only one from the South* where **most illegal guns in New York City are from.**

Mayor MENINO said, "Gun crime is a national problem that needs a national response."

He didn't say the problem was "gun criminals," as if guns somehow fired themselves, which reveals **a key reason that mayors have been unable to deal with the problem.** Their own policies are at fault because they're off target.

Citizens Committee for the Right to Keep and Bear Arms Executive Director JOE WALDRON said, "Ten years ago, the 'solution' to gun trafficking in New York City, from southern states with so-called 'lax' gun laws, was **to impose one-gun-a-month laws in those states.** It failed because **Virginia, where such a law is on the books, is still the number one source of illegal guns in New York.** But honest citizens in New York face ridiculous roadblocks to gun ownership, and legal concealed carry is impossible."

This year's **governor's gun control summit** is also doomed to failure despite noisy support from the Brady anti-gun campaign and the Million Mom March. No matter what laws the summit mayors come up with, **criminals will ignore them,** as they always have.

LAWRENCE KEANE, senior vice president of the National Shooting Sports Foundation, **asked to be included in the summit** to educate the mayors about programs that are working to reduce criminal misuse of firearms, **but was refused.**

WALDRON was disgusted. "Just how the mayors of Dallas, Seattle, Milwaukee, Philadelphia and Washington, D.C. expect to **discourage violent inner-city thugs, who account for more than half of all U.S. homicides,** by slapping restrictions on all citizens across the nation is puzzling," he said.

The mayors admitted that **they had no plan,** but were just "building a coalition," yet **they talked about demands for federal laws that would force the release of private information about gun buyers** from the Bureau of Alcohol, Tobacco, Firearms and Explosives database that **tracks guns used in crimes.**

This raises serious questions about releasing such information, said gun law expert JOHN SNYDER, since **it could end up with identity theft,** where a criminal steals the good name of a law-abiding gun owner whose gun was lost, later used in a crime, and shows up in the database, where it can be stolen.

If the chain of ownership of a crime gun is traced back to a legal buyer who is not at fault, **that innocent buyer's information could be made public** under the governor's anti-gun program and *stolen by real criminals.*

Also in this issue: ● *Special Report: New Orleans gives back guns* ● *New York's anti-gun lawsuit is back* ● *Florida passes disaster law for gun owners* ● *Guns "everywhere" in anti-gun Australia* ● *Wal-Mart to stop selling guns in a third of its stores* ● *Castle Doctrine at work in our Page Eight "Parting Shot"*

**ON THE FEDERAL
LEVEL**

NEW ORLEANS BEGINS RETURNING GUNS FROM KATRINA SEIZURES

More than seven months after New Orleans residents were forcibly and illegally disarmed in the wake of Hurricane Katrina, city police are returning some guns--if they can find them.

Police, national guardsmen and military removed guns from houses during a search after the storm flooded the city, and they confiscated guns from some evacuees, leading to a lawsuit by gun-owner advocates.

SPECIAL REPORT: NEW ORLEANS GUN RETURN

The City of New Orleans is returning the seized firearms to their rightful owners thanks to legal action by the Second Amendment Foundation (SAF) and the National Rifle Association (NRA).

Last September a federal judge signed a consent order directing the city and the New Orleans Police Department to stop confiscating guns from law abiding citizens and to return the weapons.

About 700 guns were made available to owners at a small police trailer in Mid-City on the first day, but finding your gun and proving ownership was a problem.

Gun owners had to bring either a bill of sale or an affidavit with the firearm's serial number. In some cases a notarized affidavit that described the firearm was adequate.

Citizens claiming their firearms needed proper identification, such as a driver's license.

Some did not have the proper paperwork.

Many gun owners were not able to retrieve their firearms for other reasons.

Percy Taplet, 73, said the national guard and state police confiscated his shotgun from his house when they evacuated him. He said he had it for protection at his house and adjoining business.

Police told him he would have to contact state police about the shotgun.

"Taplet said, "I won't ever see that gun again believe me."

Charles Clark, 62, a retired law officer, had an antique gun taken from his house after the August 29 storm but he couldn't find it.

"It's very frustrating," he said. "I know we had a storm and all, but there should be a way to find out who has your property."

Robert Evans, 40, was trying to get the Ruger P90, semiautomatic handgun his wife surrendered to ATF agents at the New Orleans airport.

"The agent gave her a business card, but he never answers the phone," Evans told reporters.

He came away without his gun but with several new phone numbers.

Evans was philosophical about it. "Those were confusing times. I'm not mad, just trying to get my property back."

Some found their guns had become evidence in a crime and were not eligible for release. The stories behind those guns will never be known.

The Second Amendment Foundation, however, is not ready to let the matter rest. A news release said, "Natural disasters may destroy great cities, but they do not destroy civil rights."

The SAF and NRA lawsuit was withdrawn in an agreement with police that they would return the guns if the advocates withdrew their lawsuit.

But if police do not live up to their end of the bargain, SAF has reserved the right to file again.

Given the results so far, further legal action remains a possibility.

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Publishers: Alan M. Gottlieb and Joseph P. Tartaro

Editor: Ron Arnold

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NEW YORK'S ANTI-GUN LAWSUIT BACK IN COURT

For the fourth time, New York City's anti-gun lawsuit against manufacturers has slipped by congressional efforts to prevent such "junk lawsuits."

**ON THE
LEGAL
FRONT**

U.S. Judge Jack B. Weinstein ruled that the city may have access to gun tracing information gathered by the BATF, even though Congress outlawed such data for civil suits.

Judge Weinstein used a loophole, saying the new law doesn't apply to information already in the city's possession.

New York already has some of the data, and prosecutors say they intend to rely heavily on it to prove its claim that gun manufacturers create a public nuisance by recklessly distributing firearms.

Lawrence Greenwald, an attorney for Beretta USA, said the gun companies were likely to appeal.

NINTH CIRCUIT BOOSTS POWER OF SELF-DEFENSE CLAIMS

The Ninth U.S. Circuit Court of Appeals has ruled that a defendant claiming self-defense need not prove that he or she lacked a reasonable alternative to using force.

This new freedom to use force in self-defense is particularly important because it arose from the case of a prison inmate who stabbed another prisoner after being himself threatened with stabbing by the other prisoner. The inmate had been convicted for failing to prove he lacked a reasonable alternative to force and thus could not make out a prima-facie claim of self-defense.

MOTHER'S FELONY CHARGE FOR GUN IN D.C THROWN OUT

Maryam Williams, 32, was charged with the felony of being in possession of a gun outside the home when her 7-year-old daughter showed up at an elementary school with a loaded pistol, which resulted from the child grabbing the wrong bag out of the trunk of the family car.

Magistrate Judge Ronald A. Goodbread ruled that prosecutors did not have adequate evidence that the mother herself was in possession, and threw the case out.

GUN DEALER ARRESTED FOR BAD RECORD KEEPING

U.S. Magistrate Judge Holly B. Fitzsimmons released long-time gun dealer, Frank D'Andrea, on bond in a Bridgeport, Connecticut case charging the dealer with 77 separate incidents of incomplete, false or missing gun transaction records.

BATF investigators said 100 guns seized at crime scenes had passed through D'Andrea's store.

Fitzsimmons has operated local gun stores for 30 years. He firmly insists on his innocence.

NEW JERSEY PROBATION OFFICERS WON'T BE ARMED

The New Jersey Supreme Court has struck down a state law allowing probation officers to carry firearms and receive law enforcement training.

In their 6-0 ruling, the justices said that since probation officers are under the state's judiciary branch, the Legislature cannot pass laws that restrict the judiciary's authority to control its own employees.

Two lower courts have also ruled the law unconstitutional.

CODE OF THE WEST SHOT DOWN IN NEBRASKA

Rudolph "Butch" Stanco is a Nebraska cattleman, a man of the West, shaped by its cowboy heritage.

Unfortunately, a jury found that he conspired to violate a federal law about meat inspection.

A convicted felon can't have guns, as tools of his cattle trade, or to reflect his cowboy heritage or for any other reason.

He had argued that it was only a white-collar crime, but the jury didn't buy it. So he will appeal the conviction, according to his lawyer, David Domina.

ALABAMA: CASTLE DOCTRINE SELF-DEFENSE LAW SIGNED

Gov. Bob Riley has signed legislation that puts Alabama among a growing number of states giving new legal protection to people who kill intruders in their homes, businesses and vehicles.

The law gives immunity from prosecution or civil suits to people who use deadly force to protect themselves. It removes the old requirement that a victim avoid using deadly force if they can do so with complete safety, a judgement too hard to make in a sudden attack.

IN THE STATES

ARKANSAS CANDIDATE CAMPAIGNS ON CASTLE DOCTRINE ISSUE

Gunner Delay, a Republican candidate for state attorney general has made a campaign pledge to support legislation in Arkansas to protect citizens who use deadly force in self-defense against criminal prosecution and civil liability.

Delay said, "Clearly we've established in Arkansas and other states that there is a direct connection between people's right to bear arms and the reduction of violent crime."

Delay has received the endorsement of gun rights group, Gun Owners of America. He and Larry Pratt, executive director of GOA, both said they expect Castle Doctrine legislation to be filed during the 2007 legislative session.

ARIZONA: GUN SEIZURE VETO OVERRIDE FAILS

The Arizona state Senate has failed by one vote to override Gov. Janet Napolitano's veto of legislation to trim gubernatorial power to seize weapons.

Sen. Dean Martin (R-Phoenix) said that Napolitano vetoed the measure so she could use her emergency powers to take weapons away from members of the Minuteman Project patrolling the Mexican border.

A number of Democrats who had voted for the measure in March switched their vote on the override, saying they didn't want to buck the Democrat governor on this bill.

CALIFORNIA LAWMAKERS CONSIDER GUN BILLS

California could become the first state in the nation to require semi-automatic handguns to include microscopic equipment for pressing an identifying mark into every bullet fired, which police chiefs and sheriffs say would help trace crime guns.

The bill was sponsored by Assemblyman Paul Koretz (D-West Hollywood). A vote is being held up while Koretz and critic Assemblyman Jay La Suer (R-San Diego) agree on a date for a demonstration of the technology.

In other news, Assemblywoman Nicole M. Parra (D-Hanford) has sponsored AB 2096, a bill to exempt gun safety devices from state sales and use taxes.

FLORIDA HOUSE PASSES DISASTER LAW FOR GUN OWNERS

If you have a permit to carry a gun in the state of Florida, your right to carry could not be blocked by the state following a disaster like a hurricane, under a measure passed unanimously by the Florida House and now awaiting Senate approval.

The bill, HB 285, sponsored by Rep. Mitch Needleman (R-Melbourne) was inspired by threats of weapon confiscation in Louisiana after Hurricane Katrina. The bill ensures gun owners the right to defend themselves in a disaster.

ILLINOIS LAWMAKER INTRODUCES GUN PREEMPTION BILL

Rep. John Bradley (D-Marion) has introduced HB 4075, which would override local handgun bans when the handguns are used in self-defense. In parts of Illinois, homeowners can use rifles or shotguns but not handguns.

Chris Boyster of the Illinois Council Against Handgun Violence said people who use handguns against intruders are not law-abiding citizens, such as Hale Demar, who shot an intruder in his suburban Chicago home. "He had a handgun, there was a handgun ban, he broke the law." Opposition to the bill is expected in Chicago.

KANSAS GUN LAW BACKERS WANT PERMIT HOLDER RECORDS CLOSED

Now that the Kansas Legislature has overridden the veto of Governor Kathleen Sebelius on the state's concealed carry bill, gun rights backers plan to seek legislation to keep applications for gun permits and the identities of permit holders secret.

IN THE STATES

Concerns about privacy arose during a task force meeting with Attorney General Phill Kline to draft regulations for the new law. Rape victims asked for the secrecy, said Rep. L. Candy Ruff (D-Leavenworth) because they don't want stalkers and criminals to know their victims and targets have concealed weapons.

KENTUCKY GOVERNOR TO SIGN CASTLE DOCTRINE BILL

Senate Bill 38, a Castle Doctrine self-defense bill, has passed the Kentucky Senate, sending it to Gov. Ernie Fletcher, who said through a spokesman that the Governor will sign it.

The measure, which specifies that people have "no duty to retreat" if they believe they are being threatened on their property or in their vehicle.

The bill also exempts victims who use deadly force against their assailants from criminal prosecution or civil liability.

LOUISIANA "ARMS IN DISASTER" BILL PASSES HOUSE

House Bill 760 has unanimously passed the Louisiana House of Representatives, a measure which would forbid law enforcement from confiscating firearms from law-abiding citizens during times of civil disorder.

The Louisiana Sheriff's Association helped write the language for the bill, said bill sponsor Rep. Steve Scalise (R-Jefferson).

Several legislators said they wore their handguns on their hip when they returned to their districts during the riotous days following Hurricane Katrina.

MICHIGAN HOUSE COMMITTEE PASSES CASTLE DOCTRINE BILL

The House Judiciary Committee has passed a package of bills that would make Michigan citizens who injure or kill attackers in their homes, yards or in their vehicles on public streets immune from criminal charges and lawsuits.

The bills are fast-tracked for approval in both chambers, and may force Gov. Jennifer Granholm into choosing between anti-gun groups who want her to veto the bills and pro-gun advocates who want them passed.

The issue is highly politically divisive in Michigan.

MISSOURI CASTLE DOCTRINE BILL PASSES HOUSE

The Missouri House of Representatives has passed HB 1461, a defensive use of force bill, by a margin of 132-23. The bill now moves on for approval in the state Senate.

Bill sponsor Rep. Marilyn Ruestman (R-Joplin) faced opposition from prosecutors who opposed the bill. Ruestman said that they were more interested in the rights of criminals than the rights of victims of criminals.

NEW HAMPSHIRE HOUSE PASSES DEADLY FORCE BILL

House members approved a deadly force bill that applies not only when victims are at home, but when attacked in public. The vote was 193-134.

The Senate already approved the bill, and goes to Gov. John Lynch.

OKLAHOMA CASTLE DOCTRINE BILL ALMOST READY FOR GOVERNOR'S SIGNATURE

A deadly force bill easily passed the Oklahoma Senate on a 39-5 vote, and passed the House, and now goes to the Governor for signature.

VIRGINIA GOVERNOR VETOES CONCEALED CARRY BILL

Gov. Timothy M. Kaine has vetoed a bill that would have allowed gun owners without a concealed carry permit to store firearms out of sight in their vehicles.

VENEZUELA STRONGMAN CHAVEZ ARMING CITIZENS AGAINST U.S. INVASION

Socialist President Hugo Chavez, who constantly warns his nation against a U.S. invasion, has begun training a civilian militia as well as the Venezuelan army to resist attack by taking to the hills and fighting a guerilla war.

Chavez has already has 150,000 civilians in the reserve militia, outstripping the regular military force of 100,000. He wants 1 million more.

Critics say Chavez is actually raising the troops to suppress internal dissent and defend his presidency at all costs.

Chavez has close ties to Cuban dictator Fidel Castro.

**AROUND THE
WORLD**

AUSTRALIA STAYS WELL ARMED

Confirming that gun control doesn't work, Australia remains well armed with more than 2.5 million firearms registered across the country despite the hundreds of thousands of semi-automatic rifles and shotguns surrendered in a gun buy-back after a shooting spree in Port Arthur ten years ago.

The unknown number of illegal unregistered handguns are showing up mostly in turf wars between rival gangs. As usual, criminals don't obey the law.

UNDERWORLD GUN MARKET THRIVES IN AUSTRALIA

Criminals can buy illegal guns "as easily as a pack of cigarettes" in the booming black market in Queensland, Australia. *The Sunday Mail*, a major Queensland newspaper, found that prices start at \$300 for a pistol and range to \$4,000 for the firepower of an Uzi automatic rifle.

An underworld source told the paper that "guns are everywhere."

CANADA INCHES - SLOWLY - CLOSER TO SCRAPPING GUN REGISTRY

It's not a groundswell yet, but Conservative Members of Parliament are feeling the first ripples of discontent among farmers, hunters and target shooters for action on a campaign promise to abolish the federal long-gun registry.

Prime Minister Stephen Harper pledged to do away with the costly and unworkable boondoggle once in office, but the law is still in place.

Constituents all over Canada are "confused" why the registry hasn't already been scrapped.

The Prime Minister says he will honor his pledge, but Justice Minister Vic Toews was pressed to concede that the only way to completely eliminate the registry is by passing a law.

Opponents of the registry had hoped to avoid a vote, because it could take years to gain the working majority required to win.

The country is almost evenly divided between supporters and opponents, with those in favor of keeping the registry mostly urban and those opposed almost entirely rural.

New Democratic Party justice critic Joe Comartin said the outcome of a parliamentary vote "is a toss-up."

But federal cabinet member Carol Skelton said definitely, "The firearms registry will be gone."

The Saskatoon, Saskatchewan Conservative Member of Parliament said that to the North Saskatoon Business Association last month.

Prime Minister Harper is expected to honor his pledge - if he can.

DEBATE SEEKS TO EASE SOUTH AFRICA'S OPPRESSIVE GUN CONTROL LAW

Legal gun owners in South Africa have prompted a draft amendment that seeks to ease some of the restrictions imposed by the Firearms Control Act of 2004. A scant five percent of South Africans are legal gun owners, but they own 3.5 million firearms.

Opponents say the law should not be eased, because it is not just the unregistered illegal guns they worry about, but legal guns too, which they claim are used in about 84% of all violent crimes. Gun owners dispute the figures and say the public is best served by legal owners with better gun rights.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Albuquerque, New Mexico:** Democrat Governor Bill Richardson last month got his license to carry a concealed weapon. The governor was required to complete all the requirements for obtaining a license, including a criminal background check and a firearms-training course, according to spokesman Gilbert Gallegos. Richardson owns a Glock pistol, but doesn't plan to carry it. He got the license as a way to lend support for concealed carry rights.

● **Bellevue, Washington:** Based on Census Bureau figures, a "domestic migration" from three large cities in three key states is under way. New York, California and Illinois are losing residents fast and the Second Amendment Foundation blames it on restrictive gun laws. SAF reported, "Restrictive gun laws have made it virtually impossible for average law-abiding citizens to get a concealed pistol license in Los Angeles or New York City. In Chicago, you can't own an unregistered handgun, and they no longer register handguns."

● **Bentonville, Arkansas:** Wal-Mart Stores Inc. headquarters has decided to stop selling guns in about a third of its U.S. stores in what it calls a marketing decision based on lack of demand in some places. Wal-Mart has about 1,200 discount stores and 1,900 Supercenters, which include a full grocery section, in all 50 states. It previously sold rifles and shotguns in all states, and handguns in Alaska.

● **Myrtle Beach, South Carolina:** Republican state Representative Thad Viers was the proud winner of an award given by Clemson University's conservative newspaper, The Tiger Town Observer, which was a Kalashnikov AK-47 assault rifle. Actually, the 29-year-old Viers didn't win the prize. Rather, the first two winners rejected the prize, and the third winner gave it to Viers, who had to pay the sales tax on the firearm, valued at \$550. The award was part of a charity fundraiser put on by the newspaper.

● **Waterford, Wisconsin:** State Rep. Scott Gunderson owns Gundy's Sport in Wind Lake, Wisconsin, which sells hunting and fishing items. Critics brought him before the state Ethics Board claiming that his sponsorship of bills relating to hunting and fishing is a conflict of interest. The Ethics Board said, no, that Gunderson doesn't have enough of a financial interest in the proposals to have a conflict. His store wouldn't directly benefit from the legislation in question.

● **Oakland, California:** A company called ShotSpotter is selling a state-of-the-art system of powerful microphones to pinpoint the location of gunshots. For about \$400,000, a city can install 80 to 94 mikes on rooftops in an 8-square mile high crime area, and locate where shots came from within about 10 feet and no more than 30 feet. Small systems cost about \$10,000 for concentrated trouble spots. The system can distinguish between gunshots and other sounds like fireworks and backfires. Police can use the system to go directly to gunfire locations instead of losing time interviewing witnesses who may be uncooperative.

● **Washington, D.C.:** Sandra Seegars is head of crime-plagued Washington, D.C.'s Taxi Cab Commission, and she wants taxi drivers to be able to protect themselves from thugs by carrying a holstered pistol. Even though some taxi drivers are felons or not U.S. citizens, criminals wouldn't know which was which, said Seegars. Her proposal is not likely to pass a commission vote in the anti-gun crime city.

● **Springfield, Massachusetts:** Smith & Wesson Corporation, the legendary 154-year-old global provider of products and services for safety, security, protection and sport, has agreed to support the Combat Weapons Team of the U.S. Military Academy at West Point. The company will donate pistols and support competitive shooting events.

● **Bellevue, Washington:** The Second Amendment Foundation urged citizens to celebrate "Patriot's Day" in memory of the Battles of Lexington and Concord that started the American Revolution and the United States Constitution.

Parting Shot

THE CASTLE DOCTRINE AT WORK

An 85-year-old man in Saucier, Mississippi, shot Wayne Thomas Clark, 42, with a small-caliber handgun when Clark broke into the elderly man's home in the middle of the night.

Police responding to the homeowner's report of shooting an intruder, later found Clark unconscious in the home with two gunshot wounds. They arrested him and took him to a hospital for treatment, then charged him with burglary.

A judge refused to set bond on the burglary charge because Clark was out of jail on bond for a stolen property charge when arrested for the burglary.

The elderly man was not arrested, said Harrison County Sheriff's Captain Ron Pullen.

The incident will be presented to a grand jury as a matter of concern "to be sure he acted within the law," said Assistant District Attorney Charlie Wood.

Mississippi state law allows residents to defend themselves in their homes, and an amended law effective in July will add protection for those using deadly force in self-defense and extends self-defense to people's vehicles and businesses.

In Guthrie, Oklahoma, homeowner Kelly Joe Wanzer shot intruder Joseph Sean Young, 37, of Meridian, who broke into his home late on a recent Friday night.

Young fled in his vehicle, running from sheriff's deputies and Oklahoma Highway Patrol troopers. Young's car was stopped by a mound of dirt in the middle of a closed bridge and Young jumped out.

Sheriff's deputies found him at his home hours later and took him to the hospital for treatment of a gunshot wound to the forearm, and then booked him into the Logan County jail.

Officials said they were questioning Young about a rash of burglaries in the area.

In Speedway, Indiana, DeAngelo Morrison, 21, was leaving his apartment when two masked men came charging up his stairs, one carrying a shotgun, and chased him back in. Morrison grabbed his gun and shot the man with the shotgun, DeShawn Givens, 21, who police found dead at the bottom of the stairs.

His accomplice, Andre Washington, 19, was charged with felony murder and attempted robbery, and is being held without bond in the Marion County jail.

In March, Indiana became the third state to adopt the Castle Doctrine that authorizes people to use deadly force when threatened without first trying to back away. Indiana did not previously require victims to back away, but the law clarified the point beyond any doubt.

Alan M. Gottlieb

Joseph D. Tartaro

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