

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 082

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Dear Subscriber,

On September 11, 2001, the World Trade Center was destroyed, the Pentagon was severely damaged and nearly 7,000 people were **murdered by terrorists - without a single gun.**

As the BUSH administration mobilizes the nation's armed services for a **new kind of war**, many are asking how that day of horror will affect **Second Amendment rights** in America.

This issue of the **Gottlieb-Tartaro Report** devotes its front section to that question and its emerging answers.

While airline pilots are calling for **new laws allowing them to fly armed** and to legally resist hijackers by lethal force, **the gun control lobby is exploiting public fear and grief** by aggressively pressing its anti-gun agenda among lawmakers.

**TERRORISM
AND GUNS**

Pilots With Guns

The Airline Pilots Association is pressing for federal legislation that would allow **pilots to carry firearms in cockpits**, a move the union says could prevent hijackings.

The Federal Aviation Administration prohibits pilots from being armed.

Union spokesman JOHN MAZOR said armed pilots in cockpits would be a radical step for the union, but **the idea is supported overwhelmingly by its pilot members.**

"Under the old model of hijackings," MAZOR said, "the system worked well. That strategy was to accommodate, negotiate and do not escalate."

That was before the world realized that terrorists were preparing to conduct **suicide attacks**, what Taliban clerics call "martyrdom operations."

The union's president, Captain DUANE WOERTH, testified before the House Transportation aviation subcommittee in support of arming pilots.

WOERTH allayed **fears of bullets penetrating the aircraft fuselage** and causing a **disastrous depressurization** at cruise altitude. The bullets that would be supplied to pilots "basically come apart at first impact," he said. "They're very destructive to human tissue but it's very unlikely that would do any serious damage to the fuselage and not cause a depressurization."

The union has asked the FBI to handle a **voluntary screening and training program** for arming pilots. President BUSH is reportedly cool to the idea.

Aviation consultant MICHAEL BOYD of the Boyd group in Evergreen, Colorado, said, "These men and women operate \$100 million pieces of equipment. They can sure learn to operate a .38 snub-nose if they want to. I'd rather have the gun in the hand of the pilot than the gun in the hand of some guy who wants to kill people."

The union has urged pilots to **act aggressively in terrorist situations.** For example, all cockpits are equipped with a crash ax capable of cutting through aluminum airframes. The union advised its members to consider using it as a weapon in a suicidal hijacking.

The union represents more than 67,000 pilots at 47 airlines.

Also in this issue: 🗞 *Record crowd at Gun Rights Policy Conference* 🗞 *Canada Customs seizes guns* 🗞 *Public housing may ban gun ownership* 🗞 *California gun tests an easy pass* 🗞 *Maine gun group sues Million Mom March* 🗞 *Zero-Tolerance Tyranny in our Page Eight "Parting Shot"*

Thwarting Hijackers

Israel's state airline, El Al, **has not experienced a hijacking for 31 years.** It has armed pilots, guards on each flight, and hardened cockpit doors.

According to the Wall Street Journal, one of its pilots, Capt. URI BAR-LEVI, **set an example** a week after hijackers seized control of four airliners over Europe and flew them to Jordan, where **they blew them up.** Fortunately the passengers were freed first, but *only after being used as bargaining chips* to force the release of Palestine Liberation Organization terrorists from European prisons.

Capt. URI BAR-LEV's flight from Amsterdam to New York was the next hijacking target, but **his bravery stopped it.** Before takeoff, security agents told him of four suspicious passengers. He ejected two men in first class and searched a blonde couple in economy, then took off.

The search wasn't good enough. When the plane reached cruising altitude, the blond man held a gun to the head of a stewardess and the blond woman pulled grenades from her brassiere. A steward attacked the man, who shot him five times.

The terrorists demanded Capt. BAR-LEV open the cockpit door. A crew member suggested he comply, because the rules said he should, in order to protect the welfare of his passengers.

Capt. BAR-LEV decided he would have no control over passenger safety if he opened the door, so he said, **"Sit down, we are not going to be hijacked."**

Realizing that everyone except the hijackers and flight attendants would be strapped in, **he put the Boeing 707 into a negative-G dive,** just like the astronaut weightless-training airplane known as the "Vomit Comet." Sure enough, the hijackers found themselves floating in mid-cabin, then smashed against the floor when the plane pulled up.

It was enough to allow **two plainclothes El Al marshals** on board to overpower them. **The male hijacker was killed** and the woman knocked unconscious. She turned out to be the notorious LEILA KHALED, who had hijacked a TWA plane to Damascus the previous year in a failed attempt to kidnap then-Israeli Ambassador to Washington, YITZHAK RABIN - he had changed flights.

Capt. Bar-LEV landed in London to save his bleeding steward, but police detained him and the crew *for questioning in the hijacker's death.* Nobody seemed to know how he died, for the marshals had slipped out a hidden maintenance door unseen and entered an El Al flight bound for Israel by the same means.

The police finally released the crew when assured that **the hijacker had not died in British airspace.**

The first and last successful hijacking of an El Al airliner was in 1968. But international laws **still allow flight crews to be prosecuted and sued** for harming hijackers. After the 9/11 attacks, that must change, says BAR-LEV.

Flight crews need the legal tools to fight "martyrdom operations" by fanatics who believe they will go instantly to heaven if they die killing thousands for their religion.

Most of Islam rejects "martyrdom operations," but as long as such extremists exist, the problem will exist.

A well-known firearms instructor of Middle Eastern descent, **MASSAD AYOUB,** saluted the success of El Al in preventing hijackings, and even managed to inject a spark of humor into a grim subject.

He recently told some 600 attendees at the Gun Rights Policy Conference near Cincinnati, sponsored by the Second Amendment Foundation and the Citizens Committee for the Right to Keep and Bear Arms, "El Al's security is the best in the world."

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AYOOB flies frequently **for his firearms training program** for police, security guards, and private citizens.

"But I rarely fly El Al. Do you think I'm going to walk up to the Israelis and say: '**I'm MASSAD AYOUB and I've got guns?**'"

He brought the house down.

Anti-Terrorist Legislation

Rep. RON PAUL (R-TX) recently introduced H.R. 2896, the proposed Anti-Terrorism Act of 2001, which would allow airlines to establish policies **for arming pilots or sky marshals** so that they can protect their own lives and the lives of their passengers.

JOHN M. SNYDER of the Citizens Committee for the Right to Keep and Bear Arms announced his support, and noted that **participants at the Gun Rights Policy Conference unanimously endorsed Rep. PAUL's airline safety bill.**

TERRORISM AND GUNS

However, there are indications that the gun control lobby is preparing **to exploit fear and grief shrouding the 9/11 terrorist attack** to create *fear and hatred of guns* (though none were used in the attacks) and push for stringent regulations, licensing and registrations schemes.

For example, U.S. Rep. JOHN CONYERS (D-MI) wrote a recent op-ed column for the Washington Post to launch his own barely disguised blast at the "gun lobby."

SARAH BRADY, chair of the gun-ban lobby formerly known as Handgun Control Inc. **shamelessly exploited the terrorist attack** on America along with the tragic accidental death of a three-year-old child as an opportunity to spread anti-gun misinformation in order to convince law-abiding citizens they **should not buy firearms for personal protection.**

BRADY's organization also attacked legal gun shows, as did an editorial in the Boston Globe titled, "Lax Gun Laws Help Terrorists."

The Globe editorial, by staff writer THOMAS OLIPHANT, **was particularly nasty.** OLIPHANT called gun shows **"the ideal shopping mall for criminals in general and terrorists in particular,"** as if honest people never showed up.

OLIPHANT based his accusations on a single recent Detroit conviction of two brothers, ALI and MOHAMED BOUMELHEM, on a variety of federal firearms law violations, plus **conspiracy to ship weapons to the terrorist organization Hezbollah** in Lebanon.

The brothers were arrested before the shipment of firearms left the country.

The editorial gave no credit to law enforcement for preventing the weapons from getting to the Hezbollah, and even **belittled Attorney General JOHN ASHCROFT as "a pro-gun fanatic."**

OLIPHANT insisted that **the McCAIN-LIBERMAN gun show ban is the real solution to terrorism(!)**. It's a "bipartisan" solution, he said, not noticing that McCAIN has been considering a switch to the Democratic party.

But perhaps the most personally obnoxious response to the terrorist attacks is the proposal to require a **national identification card.**

Such a document presents serious threats to individual privacy, particularly for law-abiding gun owners.

Gun ownership information can easily be coded into a credit card-size ID with modern chip technology - along with your medical records, bank account information and grocery list, pets' names and what-not.

National ID cards could also degenerate into **"internal passports"** such as those once used in the Soviet Union and other repressive regimes.

Without such ID, Soviet citizens could not buy train tickets or stay in a hotel. If you annoyed the authorities, you couldn't even *walk* to places where some commissar had not approved your movements.

In the United Kingdom, Home Secretary DAVID BLUNKETT said **he was "very seriously" considering an ID card system** as a response to terrorism.

Civil liberties groups and politicians expressed dismay that terrorist attacks could inspire such heavy-handed threats to individual liberties.

ON THE INTERNATIONAL FRONT

Canada Customs officials say they've **seized 250 guns** this year from U.S. motorists entering the country at southern Ontario border crossings.

Customs spokesman DAN YEN said **450 other weapons, from switchblades to pellet guns, were also seized from Americans** at crossings in Niagara Falls, Fort Erie, Samia and Windsor.

"The seizures are from people who were not aware of our laws," YEN said, adding the figure was consistent with seizures in recent years.

Last year **310 guns, mostly handguns, and 375 other weapons were seized from U.S. motorists** at the crossings.

YEN said most of the guns were seized from motorists travelling to the Toronto area. About 10 percent of the guns were seized from U.S. truckers.

Customs officers said the **motorists whose weapons were seized are fined \$500 or their cars are impounded.**

YEN said weapons have been seized from U.S. citizens of all professions, including priests, nuns and company executives.

In Australia, gun control groups are operating a culture war against gun owners, using statistics showing that **the number of "children" with access to guns has jumped almost 15 percent in the past three years.**

Australian minors are allowed to use certain guns for sporting pursuits. Minors can also obtain gun licenses if they are employed in primary production.

PETER CROOK, president of Gun Control Australia, said young people should be banned from having guns because there was **a dangerous ideology attached to people who owned and used guns.**

"It is a dangerous thing for children to be socialized in that environment. Children should be free of the socialization that inevitably goes with gun ownership."

Wow! Sounds like Mr. CROOK is running for Best Director of Everybody Else's Life.

RECORD TURNOUT AT GUN RIGHTS POLICY CONFERENCE

Hundreds of gun rights activists from across the nation recently gathered near Cincinnati, Ohio for the 16th annual **Gun Rights Policy Conference** (GRPC), sponsored jointly by the Second Amendment Foundation (SAF) and Citizens Committee for the Right to Keep and Bear Arms (CCRKBA).

CCRKBA executive director JOE WALDRON said, "Our turnout was not surprising, considering that **we had a record 736 pre-registrations. We also had 100 walk-ins.** Still, it was especially heartening to see so many travel from great distances, considering the problems they had with airline flights in the aftermath of the September 11th terrorist attack on America."

One of the 18 presentations covered **terrorism and high-tech threats to the Bill of Rights**, such as electronic surveillance without a warrant. Attendees expressed concern that the events of September 11 could lead to **restrictions on all civil rights, not just on gun rights.**

Speakers on several panels noted that the individual right to keep and bear arms has suddenly been elevated beyond its traditional importance for personal protection, to a cornerstone of national security.

"One significant announcement at the conference was that gun sales in several regions rose sharply after the terrorist attack," WALDRON said. "Americans are now more convinced than ever that safety is their personal responsibility, and that under the right circumstances, an act of self-defense might also be in the national defense."

WALDRON said the fact that so many firearms activists turned out for the conference is clear evidence that **gun rights is an important national issue.**

"GRPC's chief aim is to encourage an exchange of ideas between leaders of gun rights groups and grass roots members", said WALDRON.

The conference was held across the Ohio state line in Kentucky, because it allows concealed carry of firearms and Ohio is one of only six states that does not.

CALIFORNIA HANDGUN TESTING LAW MISFIRES

The **media are cringing** because of California's tough new handgun safety test, designed to cut off the supply of inexpensive handguns that reporters love to call "Saturday night specials."

What's wrong? Nearly 600 handgun models have **passed** the punishing firing and drop tests, according to a list compiled by California's Department of Justice. That wasn't supposed to happen.

The legislation that required the grueling test was aimed at a group of Southern California manufacturers contemptuously called the "Ring of Fire" companies, who have been accused of flooding the nation with inexpensive handguns.

Gun control advocates are frantic. The Brady Campaign, formerly known as Handgun Control Inc., insists that a new "fix-it" law be passed. There must be a loophole in the law, they assert, but they're not quite sure what it is.

All the new law appears to have done is make more paperwork for gun manufacturers and dealers.

AROUND THE STATES

PUBLIC HOUSING MAY BE HIT WITH GUN BAN

The City of Suffolk, Virginia is considering a ban on firearms from the city's **five public housing complexes**.

As a result of the accidental shooting of a 4-year-old by her 5-year-old brother, housing officials may be giving residents of public housing a tough choice: forfeit their constitutional right to keep and bear arms or find another place to live.

The younger child was struck in the finger and not seriously injured. The mother whose gun was used by the older child was not charged.

A resident's representative to the Suffolk Redevelopment and Housing Authority said **such a ban would violate the residents' rights**. Officials said it would not, that landlords can ban tenants from having pets or anything else, so if you don't want to get rid of your guns you can rent someplace else.

Other Virginia public housing officials think the ban would be unconstitutional. Leroy Reynolds of Portsmouth, Virginia Redevelopment and Housing Authority said, "The Constitution doesn't give you the right to bear animals. It does give you the right to bear arms."

The planned ban is still in the formative stage, officials said.

OHIO CONCEALED CARRY BILL MAY BE REWORKED TO GAIN MORE SUPPORT

Ohio lawmakers are ready to consider a substitute bill that would address law enforcement worries about training and background checks.

Ohio Gov. BOB TAFT will veto any concealed-carry bill that **lacks support from the law enforcement community**, his office said.

The Buckeye Sheriffs Association **supports** the current bill while the Ohio Highway Patrol and Ohio Association of Chiefs of Police **oppose** it.

Fraternal Order of Police spokesman MIKE TAYLOR said his group would take a neutral position if the substitute bill beefs up training requirements and prohibits convicted criminals from holding permits.

GUN SHOW BID TO RETURN TO OHIO FAIRGROUNDS

The **gun shows that were axed** from the Cuyahoga County Fairgrounds under public pressure after the 1999 Columbine school shootings are set to return.

The Cuyahoga County Agricultural Society, which runs the Berea fairgrounds, recently settled a year-old federal suit with **Niles Gun Shows Inc.** The fairgrounds are owned by the county.

The Agricultural Society agreement calls for a new 3 1/2-year contract with promoter Niles Gun Show. The Society will also pay the promoter \$75,000 for lost revenue.

Agricultural Society spokesman MIKE ROGERS said, "Our philosophy is that gun shows are legal. It would be illegal for us not to rent to them."

MAINE GUN GROUP SUES MILLION MOM MARCH

The **Hiram Maxim Historical Society Inc.**, named after the man who invented the machine gun in 1883, has filed a lawsuit against the **Million Mom March**, accusing a spokeswoman of **defamation**.

The organization of machine-gun enthusiasts claims in its lawsuit that CATHIE WHITTENBURG of the Southern Maine Chapter of the Million Mom March **made false statements that harmed the society**.

The society's lawyer, WALTER F. MCKEE, said that his client is a law-abiding organization that WHITTENBURG "essentially called a bunch of terrorists."

WHITTENBURG denied the charge.

The dispute goes back to July, when **the society was holding its annual gun shoot and expo**. WHITTENBURG was quoted in a Bangor Daily News story as saying that **she planned to protest the event**, but decided not to after receiving "an obscenity-laced e-mail."

The story said the message **was not a threat against her life** but "The hate mail's sender is connected with the machine-gun event, the e-mail said."

MCKEE said, "We didn't do this. We want people to know that."

The lawsuit said Ms. WHITTENBURG's statements were "allegations of serious criminal conduct or were allegations that would adversely affect plaintiff's fitness for the proper conduct of a business, trade or profession. Plaintiff has suffered special harm as a result of Ms. Whittenburg's statements."

The Million Mom March has been challenged by others. The **Second Amendment Foundation** asked the attorney general of California to investigate why the Million Mom March received **free office space at San Francisco General Hospital** through the Trauma Foundation.

NEW MEXICO GUN LAW GOES TO STATE'S HIGH COURT

Albuquerque Mayor JIM BACA has gone to the New Mexico Supreme Court **challenging the state's concealed-weapons law**.

BACA says the law violates the state constitution and he wants the Supreme Court to order that concealed-weapons permits can't be issued.

His petition cites a provision in the state constitution: "No law shall abridge the right of the citizen to keep and bear arms ... but nothing herein shall be held to permit the carrying of concealed weapons."

Sen. SHANNON ROBINSON (D-Albuquerque), who supports the concealed carry law, said BACA is misinterpreting the state constitution. He said the constitution doesn't give the right to carry a concealed firearm, but it also doesn't restrict the Legislature from enacting a law to that effect.

For example, ROBINSON said, **police detectives are allowed to carry concealed weapons** because it was **authorized by statute**.

The state Supreme Court is expected to hear the case soon.

APPEALS COURT RULING ERODES GUN RIGHTS

The 10th U.S. Circuit Court of Appeals has issued a decision that **allows officers to ask about loaded weapons in a stopped motorist's vehicle**.

The judges ruled 5-to-4 in favor of **allowing the question** even if officers **don't** suspect weapons are in the vehicle.

MICHAEL SALEM, a volunteer attorney with the American Civil Liberties Union said, "How many of these things have to happen before we realize we're living in a police state and not a place governed by the Constitution?"

SALEM was worried about erosion of the Fourth Amendment protections against unreasonable search and seizure, and said nothing about **erosion of the Second Amendment right to keep and bear arms**.

Judges voting with the minority filed a dissenting opinion that was also concerned only with Fourth Amendment issues.

While the case only dealt with one motorist who was asked the question and then found to have a loaded firearm and methamphetamine in his vehicle, it gives authority to officers to **single out gun-owning motorists without cause**.

LEGAL BRIEFS

GUN NEWS TICKER: SHORT TAKES ON GUNS

☛ **Gulfport, Mississippi:** US shooters are training their crosshairs on Osama bin Laden and pulling the trigger - on firing ranges. Photocopies of the terrorist mastermind have cropped up on ranges and are becoming very popular for target practice, said Don Martin, a gun instructor who works at a range. Pictures of bin Laden, the man Washington holds responsible for the devastating attacks on New York and the Pentagon, is showing up on firing range walls peppered with bullet holes. Martin said, "A man came in one day and dropped off copies of the picture. A lot of people have been using it for practice. A few people are coming with their wives. Open season, folks. Fire away."

☛ **Troy, Michigan:** Kmart Corporation temporarily removed ammunition and firearms from its 2,100 stores nationwide in the wake of attacks in New York and Washington, the company announced. Spokeswoman Julie Fracker said the decision was made shortly after the terrorist attacks. "The safety of our customers and our associates is our first priority," the company said in a statement. "Kmart extends its deepest sympathies to the people affected by the tragic incident." Fracker said it wasn't clear how much the move would cost the company. One cost became immediately evident: public outrage that Kmart would leave its customers in a position where they could not defend themselves with firearms if the need arose. After a mass of complaints, Kmart officials restored guns and ammunition back on sale.

☛ **Washington, D.C.:** A Washington Post / ABC News poll released shortly after the 9/11 terrorist attacks on America asked if people would be willing to surrender some of the civil liberties guaranteed Americans in order for the government to crack down on terrorism. 66 percent said they would be willing, 24 percent said no, and 10 percent had no opinion.

☛ **Sacramento, California:** After security guard Joe Ferguson killed five people in a shooting attack, state anti-gun lawmakers rushed to push new gun control legislation to the governor's desk. Ferguson had an AK-47, a sawed-off shotgun and at least three handguns when he attacked defenseless people. Assemblyman Kevin Shelley (D-San Francisco) authored a new bill that was scaled back from a full-licensing proposal to requiring safety testing and thumbprints for purchasers. Assemblyman Dick Dickerson (R-Redding) pointed out that Shelley's proposal would not have prevented the Ferguson shooting, but killings generate momentum for gun control. "This is definitely feel-good legislation," Dickerson said.

☛ **Miami, Florida:** Seven Miami police officers were arrested recently by the FBI after an investigation into allegations that officers planted guns at crime scenes to justify police shootings. A federal grand jury indictment was expected to be unsealed soon, FBI spokeswoman Judy Orihuela said. Agents have been investigating gun "throw-down" cases involving the fatal shooting of two black men after a smash-and-grab purse snatching and the wounding of a homeless man who was pretending to hold a weapon to the head of a friend. The weapon turned out to be a small radio.

☛ **Baltimore, Maryland:** The Johns Hopkins Center for Gun Policy and Research recently released a "study" of licensing and registration laws reached the conclusion that such schemes are effective methods for keeping firearms out of the hands of criminals. However, the study relied on the Bureau of Alcohol Tobacco and Firearms tracing system for its data, and the bipartisan Congressional Research Service long ago informed Congress that the BATF tracing system is "designed to help law enforcement agencies identify the ownership path of individual firearms. It was not designed to collect statistics. Firearms selected for tracing do not constitute a random sample and cannot be considered representative." The gun control lobby has gleefully jumped on the study as proof that their legislative program will actually stop crime.

Parting Shot

ZERO-TOLERANCE TYRANNY

Syndicated columnist Michelle Malkin is well-known for opinion pieces that contain more factual material than most supposedly "hard news" stories.

Here's her take on a pervasive problem in American society.

Malkin wrote, "When the new school year began, Deena Esteban was not among the legions of educators welcoming students back to class."

Why not? Mrs. Esteban, a 43-year-old art teacher in Prince William County, Virginia, lost the job she loved after being convicted of a felony last fall.

Her crime? Bringing a gun to school. "Mrs. Esteban's case", wrote Malkin, "is a textbook case of zero-tolerance tyranny".

"Teachers are the forgotten casualties of the education establishment's absolutist war on guns," Malkin said.

Mrs. Esteban had never been in trouble with the law. The married mother of two owned a .38-caliber revolver for self-defense. She held a valid concealed carry permit.

One fateful night last spring, she put the gun in her handbag before going out to entertain her visiting parents. The next morning, she brought the bag to school, not realizing the firearm was still in it, she says.

When she left the bag unattended for a short time in her classroom, a colleague opened it and found the gun. No one was hurt. It was an unfortunate accident.

Virginia makes it a misdemeanor to leave a loaded, unsecured firearm in a manner that endangers children. Mrs. Esteban offered to plead guilty to that offense.

But politically-motivated prosecutors wouldn't have it. They wanted to "send a message." They threw the book at her. Despite acknowledging there was no criminal intent, they charged Mrs. Esteban with a felony count of possessing a gun on school grounds. A jury convicted her a year ago, imposing a \$2,500 fine and 12-month jail sentence. A judge suspended the prison term and slightly reduced the fine in January, but Mrs. Esteban can no longer find employment.

"No one wants to hire you when you have to check the box on the form that says, 'yes, I have been convicted of a felony.'"

Her husband is working two jobs to keep the family afloat and pay for lawyers who will appeal the case soon.

Another miscarriage of justice by the anti-gun education establishment.

Alan M. Gottlieb

Joseph D. Tartaro

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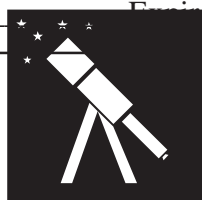
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