

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 181

January, 2010

Dear Subscriber,

Rabidly anti-gun Senator FRANK LAUTENBERG (D-NJ) has introduced S. 2820, "A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records." A news release described it as "legislation to preserve records of **gun sales** for longer periods of time to aid law enforcement officials in preventing gun crimes and terrorist acts."

LAUTENBERG warped the official purpose of the bill into the phony acronym title, "PROTECT" for "Preserving Records of Terrorist & Criminal Transactions."

Odd that the actual bill would require keeping records of **ALL legal gun sales for at least 180 days**, not just ones that turn up criminal or terrorist links.

Applicants with criminal backgrounds or whose names are on the Homeland Security Department's "**Violent Gang and Terrorist Organization File**" and other security "watch lists" **would be kept for ten years.**

Gun owners have protested the bill's title as being **false and misleading** because **the bill preserves records of perfectly legal sales six months longer than the law now allows.**

Legal gun sale records now must be destroyed within 24 hours after a gun sale is allowed to proceed - and the Current NICS (National "Instant" Criminal Background Check System) allows the FBI **three days** to try stopping a gun sale, and when they finally give approval, **only then does the 24-hour clock start ticking.**

But, in an **important victory for sportsmen and gun owners** across the country, **Amtrak riders will be able to pack handguns in their checked luggage within a year**, under a provision tucked into the final version of the fiscal 2010 omnibus spending bill.

The Senate-passed Transportation-HUD spending bill included **language sponsored by Sen. ROGER WICKER (R-MS)**, that would have required Amtrak to allow passengers to **carry handguns in checked bags by March**, but the **House-Senate negotiators changed the time to one year.**

For an unusual twist to this story, see our Page 8 "Parting Shot."

What's the Healthcare Reform bill got to do with gun rights? A lot.

Senate Majority Leader HARRY REID's manager's amendment aims to relieve gun owners' concerns that reform would view gun ownership as an "*unhealthy lifestyle*" and **charge them higher premiums or deny them coverage altogether.**

The amendment says that nothing in the bill requires people to disclose whether they own a gun and gun ownership cannot be factored into premiums or coverage decisions.

Section 3 of the amendment also **prohibits any official from "maintaining records of individual ownership or possession of a firearm or ammunition,"** so even if the Department of Health and Human Services discovers a gun owner, they can't keep any record of the fact, *assuming that the controversial bill passes.*

MARK McCLELLAN, doctor who ran Medicare in the BUSH administration, says **the House and Senate will probably come to an agreement and pass a final bill.**

Insiders say Sen. REID added the gun rights amendment to stave off **an attack on the bill by gun owners embittered by insurers from past incidents.**

Also in this issue: ● *Wheelchair-bound man shoots assailant* ● *Oklahoma gun owners may get tax break* ● *Man wins guns-at-airports case* ● *Murders down, gun sales up: guns don't cause crime!* ● *BATF official arrested for weird hotel crime* ● *Amtrak has you securely boxed in, in our Page 8 "Parting Shot"*

**AT THE
FEDERAL
LEVEL**

WEST VIRGINIA MAN SHOOTS TIRE OF FLEEING BURGLAR

A homeowner in Rum Junction, West Virginia happened to see Gerald Michael Frazier, 36, open the door to his garage and go inside. The owner ran to get his gun and confronted the intruder, asking what he was doing there. Frazier lamely said he was looking for oil for his truck. The owner attempted to hold Frazier, but he ran to his truck and drove away. The owner fired a single shot at the fleeing vehicle, hitting one of the tires. Police stopped Frazier near Huff Junction and booked him at the Southwestern Regional jail in Holden for daytime burglary, and breaking and entering.



TENNESSEE HOMEOWNER KILLS BURGLAR

Michael S. Johnson, 19, broke into a home in Roane, Tennessee during a burglary one recent Sunday evening, and found the homeowner armed and ready to protect himself. Johnson then threatened the owner who shot him and called 911 to report the incident. Police took Johnson to the Roane Medical Center where he died. Police then arrested accomplice Preston D. Harvest, also 19, of Harriman and charged him with attempted aggravated burglary and vandalism. He was held in jail in lieu of \$52,000 bond.

WHEELCHAIR-BOUND MAN KILLS ASSAILANT

Gary Wroblewski, a 62-year-old wheelchair-bound man was watching television late one Monday night at his home in southern Florida, when a man knocked on his door claiming he needed help with his broken down car. Wroblewski did not let him in, became suspicious at the story, and got his gun. He tried to send the man away, but suddenly another man, this one masked, forced the door open. The two men knocked Wroblewski out of his wheelchair, but he was able to hold onto his gun and fired three shots at the burglars, killing one. The other got away. It took the owner ten minutes to get back in his wheelchair and get to a neighbor's to call 911. Wroblewski will not be charged, protected by the Castle Doctrine.

TWO THUGS SHOT BY LOUISIANA HOMEOWNER

Michael Cockerham, 21, and Aaron J. Vinnett, 20, who were armed with a pistol, kicked down the down the back door to a St. Rose, Louisiana home. Once in the house, one of the robbers shined his pistol's laser sight on the homeowner, who come to see what caused the noise. Fearing for his life, the homeowner fired one shot from his shotgun, and both intruders fled. Cockerham was found dead from shotgun wounds in a nearby yard. Vinnett was later found with non-life-threatening shotgun wounds, and has been charged with attempted aggravated burglary and 2nd degree murder (for the death of his alleged accomplice, under the Felony Murder Rule). The homeowner was unharmed and will not be charged.

LIQUOR STORE ROBBER KILLED BY CLERK

Fernando Valencia, 29, entered the U-Save liquor store in Fresno pointing a semi-automatic gun at the clerk and demanding money. While appearing to get the money for the robber, the clerk pulled the store's gun and fired at Valencia. He died instantly. He had a criminal history of car-jacking and stealing vehicles. It was caught on surveillance video. Mark Singh, liquor store manager, makes a weapon available for his overnight cashiers. Police Chief Jerry Dyer declared the killing self defense, and supports business owners' rights to arm themselves for protection. Anti-gun groups are calling for Dyer to be fired, but the 30-year-veteran was proclaimed "Top Cop" for 2009 by the California Police Chief's Association.

The Gottlieb-Tartaro Report ® (ISSN 1079-6169) is published monthly by the Second Amendment Foundation, Liberty Park, 12500 N.E. 10th Place, Bellevue, WA 98005. Phone (425)454-7012. FAX (425)451-3959. Please call or write if you have a question regarding your subscription.

Publishers: Alan M. Gottlieb and Joseph P. Tartaro

Subscriptions: Eva Hart

Design: Northwoods Studio

Editor: Ron Arnold

Published by:

Second Amendment Foundation

Subscriptions \$60 per year USA, \$70 elsewhere. Single issues \$5.00. Copyright © 2010 by Alan M. Gottlieb and Joseph P. Tartaro. Photocopying, reproduction or quotation strictly prohibited without written permission of the publishers. Bulk rates on request. Postage paid at Bellevue, WA.

POSTMASTER: send address changes to **The Gottlieb-Tartaro Report**, 12500 N.E. 10th Place, Bellevue, WA 98005.

Printed in the USA.

ALASKA FIREARMS FREEDOM ACT UP FOR SENATE VOTE

State Representative Mike Kelly of Fairbanks remains optimistic that his gun rights bill will have support in the State Senate. The bill, which passed in the House of Representatives during the 2009 session, will be in front of the State Senate this month. Kelly said the bill proposes that any gun manufactured and sold in Alaska be regulated by the state, not the federal government.

IN THE STATES

FLORIDA HAS MANY PRE-FILED GUN BILLS

The Unified Sportsmen of Florida has compiled a list of firearms bills pre-filed by legislators for the 2010 state legislative session beginning this month, which includes a Firearms Freedom Act that would exempt guns owned and made in Florida from federal regulation. Also, an "assault weapons" ban bill has been pre-filed.

KENTUCKY LAWMAKERS PRE-FILE FIREARMS FREEDOM BILL

Kentucky State Rep. Stan Lee (R-Lexington) pre-filed a bill in the House on Nov. 6 that would exempt firearms, firearm accessories and ammunition that are made in Kentucky, marked made in Kentucky, and used in Kentucky, from federal laws. BR348, (HB87 when the session begins) will be named the Kentucky Firearms Freedom Act, based on the Ninth and Tenth Amendments to the U.S. Constitution.

MISSOURI TO INTRODUCE FIREARMS FREEDOM ACT

Missouri State Representative Cynthia Davis (R-19th District) has pre-filed for the 2010 session Missouri House Bill 1230, the "Firearms Freedom Act." It "asserts the right of the State of Missouri to regulate the intrastate use and acquisition of certain firearms pursuant to the reserved powers of the state over intrastate commerce and the Second Amendment right to keep and bear arms."

N.J. SENATE APPROVES EXEMPTIONS TO HANDGUN LIMIT

The New Jersey Senate has approved amending a controversial law limiting handgun purchases to one every 30 days. S-3104 would allow need-based exemptions, allowing people who want to buy multiple handguns from an estate, for a collection or for competitive shooting. S-3068 would exempt licensed retailers from the limit and clarify that registered gun wholesalers and manufacturers are exempt.

NEW YORK COUNTY BOARD PASSES RESOLUTION AGAINST GUN CONTROL

The Otsego County Board of Representatives has split along party lines in approving a resolution to advise state lawmakers to not adopt further restrictions on gun owners. The Republican majority stuck together and defeated the anti-gun Democrat opposition that wanted state lawmakers to pass many gun control bills.

OKLAHOMA STATE SENATOR PROPOSED TAX BREAK ON GUNS

Senator John Sparks (D-Norman) is proposing legislation for what he calls a Second Amendment Weekend. "It gives us an opportunity to show our support of our Second Amendment," Sparks said. If passed, all rifles, handguns and shotguns would be tax free on a few days a year. The measure would not apply to gun accessories.

TENNESSEE IS A LEADER IN RESPECT FOR SECOND AMENDMENT

2009 was the year of the gun in Tennessee. In a flurry of legislative action, handgun owners won the right to take their weapons onto sports fields. A change in leadership at the state Capitol helped put Tennessee at the forefront of a largely unnoticed trend: It is getting easier to carry guns.

WASHINGTON STATE DEMOCRATS WANT TO BAN SEMI-AUTOMATIC FIREARMS

Rep. Ross Hunter, Medina; Sen. Adam Kline, Seattle; and Sen. Jeanne Kohl-Welles, Seattle, intend to ban semiautomatics capable of rapid-fire and holding more than 10 rounds. Semiautomatics designed for hunting wouldn't be banned. Such a ban would punish law-abiding citizens who own such guns, say critics.

SUPREME COURT REJECTS SUIT CLAIMING PRO-GUN LAW UNCONSTITUTIONAL

The U.S. Supreme Court has handed Beretta U.S.A. and the firearms industry a victory by rejecting the Brady Center's appeal of *Adames v. Beretta*, a suit claiming the Protection of Lawful Commerce in Arms Act was unconstitutional.

The PLCAA is the 2005 federal law passed by Congress to stop the flood of reckless lawsuits brought by anti-gun advocates seeking to hold members of the firearms industry liable for the criminal misuse of their guns.

The *Adames* lawsuit was filed by the Brady Center on behalf of a family seeking to hold Beretta responsible for the shooting death of their son, killed by the criminal act of a teenage boy who stole his father's unsecured service pistol.

**IN THE
COURTS**

The case was dismissed by a Chicago trial court, reinstated by the Illinois Court of Appeals, and then found to be barred under the PLCAA by the Illinois Supreme Court. The U.S. Supreme Court refused to consider the Illinois Supreme Court's well-reasoned decision that held the PLCAA was both constitutional and clearly applicable to this lawsuit. Craig Livingston of the Livingston Law Firm represented Beretta in the case.

AMICUS BRIEFS FLOOD IN ON SUPREME COURT CASE AGAINST CHICAGO GUN BAN

Now that the U.S. Supreme Court has set the morning of March 2, 2010 to hear the landmark civil liberties case that will determine whether the Second Amendment prohibits state and local governments from enacting stiff anti-gun laws, at least 30 amicus briefs have been filed in support of the Second Amendment Foundation (SAF), attorney Alan Gura, and the McDonald plaintiffs challenging Chicago's handgun ban.

Perhaps the most remarkable brief is the one, filed by the Brady Center To Prevent Gun Violence, which seems to assume that the Second Amendment *does* apply beyond the federal government. Realizing that Gura's strategy is likely to win, they instead argue that courts should adopt a "deferential" standard toward state and local ordinances. They're hoping that Gura and SAF get a technical win that won't have a practical effect – as long as lower courts can justify harsh local laws as constitutional because they differ just enough from Chicago's.

This may not matter in gun-friendly places like Idaho; it certainly matters in states that lack a right to keep and bear arms in their state constitutions, including California, Iowa, Maryland, Minnesota, New Jersey and New York.

SCHOOL GUARD WINS STANDING TO SUE DISTRICT OF COLUMBIA FOR ARREST WARRANT

A federal Appeals Court has ruled in the case of *Ord v. District of Columbia* that Ord has standing to sue the city, opening legal doors for other gun rights cases including a Second Amendment Foundation (SAF) challenge to the restrictive wording of the 1968 Gun Control Act.

Robert Ord is suing the District for issuing an arrest warrant for him without probable cause. He was hired to provide armed security at a D.C. school as a "qualified law enforcement officer," exempt from the District's ban on carrying firearms without a license. Granting Ord standing to sue is extremely important.

This ruling," said SAF founder Alan Gottlieb, "will help our lawsuit against Attorney General Eric Holder on behalf of citizens living abroad who can't buy guns when they visit America, because the 1968 Gun Control Act forbids it. The government has argued that we don't have standing to sue. They just lost that one."

WASHINGTON MAN FIGHTING FIREARMS COUNT ON PRINCIPLE

Luke Travis Groves, 37, is a convicted felon from a break-in when he was 18. He came home in Bremerton, Washington, after visiting family and found his front door broken in, called the cops, who found no burglar, but did find a Remington .22-caliber rifle and an Accu-Tek .380 handgun that came with his wife when they married six years ago. The cops ran his name and found he was a felon in possession of firearms, a felony. Mason County Prosecutor Russ Hauge offered him a plea for illegal possession of firearms, a fine, and he could walk. He refused on principle, saying he did no wrong, insisted on trial, and now faces 10 years if he loses.

HAROLD FISH WINS ANOTHER LEGAL BATTLE OVER 2004 KILLING

The Arizona Supreme Court has delivered the third legal victory for West Valley resident Harold Fish, serving a 10-year sentence for his fatal shooting of Grant Kuenzli on a northern Arizona hiking trail.

The high court declined to consider an appeal filed by the Attorney General's Office seeking to reverse an appellate court decision ordering a new trial for Fish because he was not allowed to present evidence showing Kuenzli was mentally unstable. Reversing the order for a new trial would have meant that Fish's murder conviction still was in effect.

**IN THE
COURTS**

Kuenzli's aggressive dogs made Fish fear for his life and Kuenzli then attacked Fish, who shot Kuenzli in self defense. Prosecutors say they will not seek a retrial for lack of evidence and witnesses. Fish goes free.

SAN MATEO COUNTY RETREATS FROM PROPOSED GUN LAWS

Supervisor Rose Jacobs Gibson has asked that a discussion of proposed gun control ordinances be pulled from the county's agenda. Her request followed the National Rifle Association's announcement that it would sue the county if the laws are passed. They sounded good to the public, but violated state pre-emption laws.

One of the ordinances would bar firearms dealers from operating within 1,500 feet of places such as schools, parks, community centers and video arcades. It also requires dealers to obtain a license annually from the sheriff's office, take measures to secure the store, conduct background checks on employees and maintain ammunition sales logs. The other law would require gun owners in unincorporated areas to report lost or stolen firearms within 48 hours of the time the owner "knew or reasonably should have known" the gun was gone. A violation would be a misdemeanor. The laws would not improve crime rates and violated California law.

NEW JERSEY QUADRIPLLEGIC PERMITTED TO HAVE AND FIRE GUN

After a two-and-a-half-year legal battle – and 30 years of longing – Jamie Cap, a Manville resident, is now permitted to have and fire a gun. The 46-year-old was rendered quadriplegic after being tackled during a high school football game. Cap is physically unable to hold a gun or pull a trigger. With the help of some advanced technology and a friend, Cap can now use a 12-gauge shotgun, equipped with a battery-powered machine that is mounted to his wheelchair. He fires the gun through a breathing tube. The Superior Court permitted Cap to have the gun, but only if he keeps it in a safe location. His guns must be transported, unloaded and cleaned with someone who has or is eligible for a state firearms ID.

MAN FINALLY WINS PENNSYLVANIA GUNS-AT-AIRPORT CASE

Pennsylvania state law protects the right to open carry outside the secured areas at airports. So, David Ross removed his handgun from his luggage, holstered it and walked out of the airport. But an Allegheny County Police Department cop arrested Ross for violating a local county ordinance which the Pennsylvania Supreme Court had invalidated a decade ago.

Ross was convicted, even though he clearly explained the situation to the judge, and was forced to hire an attorney to appeal the case. The appeals judge acquitted Ross of all charges and hoped the arresting officer learned a lesson.

SAF/NRA CASE AGAINST SEATTLE GUN BAN MOVES FORWARD

The case against Seattle's gun ban in city parks and recreation facilities will go before King County Superior Court Judge Greg Canova. Currently in the "discovery" phase, according to Seattle attorney Steve Fogg, who represents SAF and NRA, the case is on schedule. Ray Carter, one of the plaintiffs, was given an astounding note by officer Jamieka S. Muldrow telling him to leave a park "due to the fact you are lawfully carrying a fire-arm [sic] that is licensed to you." Well, firearms aren't licensed in Washington, and the note said that Seattle's "strict rules" trumped state law. Will Judge Canova laugh or cry? Stay tuned.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Washington, D.C.:** The FBI has released data that shows 2009 murders dropped by 10 percent from the same period in 2008. Meanwhile, according to data released by the FBI's National Instant Criminal Background Check System (NICS) shows that during the first six months of 2009, gun sales were up. January 2009 background checks rose 28.8 percent over the same month in 2008, February's NICS checks were up 23.3 percent and in March they were up 29.9 percent over March 2008. The trend continued in April, with NICS checks up 30.3 percent, while May showed a slowdown, up only 15.5 percent, and in June they were up 18.1 percent. Murder Down, Gun Sales Up? Isn't that proof that guns don't cause crime?

● **New York City:** Mayor Bloomberg's crusade against guns comes with a price tag. Bills obtained by the *New York Daily News* show the city Law Department has paid almost \$1.5 million to Kroll Associates, a high-end detective firm, for its undercover probe of out-of-state gun sales. The firm videotaped transactions that sounded bad for gun owners, posted them on YouTube and sent them to every member of Congress, saying they should pass anti-gun laws. The investigators billed the city between \$225 and \$325 an hour each, for more than 100 hours per month. They traveled to gun shows in Nevada, Ohio and Tennessee, spending tens of thousands of dollars on airfare, hotels, and meals. They billed the city for tens of thousands of dollars for background checks, research costs, cash payments for guns, and equipment - including \$58,100 for recording gear. NYC's tax dollars at work.

● **Sacramento, California:** The city of Sacramento regulates handguns and ammunition, and the City Council is willing to go to court to keep doing it. It voted recently to join other cities arguing in support of the city of Chicago, whose gun control ordinance is under review by the U.S. Supreme Court in *McDonald v. Chicago*, a case sponsored by the Second Amendment Foundation and the Illinois State Rifle Association. Sacramento's brief is expected to argue that state and local governments are exercising one of their core police powers by regulating possession and use of firearms.

● **Dallas, Texas:** An auction house says a wooden gun that John Dillinger's relatives believe was hand-carved and used by the one-time "Public Enemy No. 1" to escape jail has sold for \$19,120 at auction. The artifact was one of 11 items put up for bid by Dillinger's younger sister, Frances Helen Dillinger, at an Arms & Militaria auction at Heritage Auctions in Dallas. Heritage arms and militaria director Dennis Lowe says the notorious Depression-era bank robber supposedly used the item to bluff his way out of a Crown Point, Indiana, jail on March 3, 1934.

● **Yonkers, New York:** A state agency proposes giving a \$700,000 economic development grant to a weapons manufacturer that recently expanded in Yonkers and Greenburgh. Kimber Manufacturing makes more than 100 types of pistols and rifles for the consumer market, law enforcement and the Marines Corps, among other clients. The state agency offered the grant to Kimber because manufacturing is the most wealth-creating sector of the state economy outside of New York City.

● **London, England:** A suspected Albanian gangster carrying a loaded pistol and silencer has been arrested outside the home of former Prime Minister Tony Blair, police said. The suspect, 56, was stopped in his car as he drove in Connaught Street. Officers on patrol became suspicious and arrested him for traffic and documentation offences. About 25 minutes later, a passer-by approached a uniformed officer on guard outside Blair's £3.5m Connaught Square townhouse. He handed the officer a black pistol, loaded with several bullets and fitted with a silencer, saying he found it in the gutter. The officer contacted members of the Diplomatic Protection Group, who are responsible for Blair's safety.

● **Washington, D.C.:** The Brady Center to Prevent Gun Violence has reported, that Rep. John Boccieri (D-OH) held a fundraiser on in conjunction with the National Rifle Association they called a "virtual shootout." A blogger said, "It takes a lot of fortitude for a Democrat to be openly pro-gun. Rep. Boccieri stood up for the Constitution's Second Amendment rights and civil liberties."

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **New York City:** City officials are launching an ad campaign as part of a crackdown on illegal sales of realistic-looking toy guns. Public service ads will be posted on buses and subways throughout the city featuring a red gun and a black one and will ask the question: Which is real and which is a toy? In addition, fines for selling illegal toy guns will be sharply raised from \$1,000 maximum per sale to \$5,000 maximum for a first offense and up to \$8,000 for repeat offenses. A third conviction in two years could also padlock a store for up to five days.

● **Essex, England:** England is getting into the toy gun scare, too. Parents in Essex were warned by police not to buy their children realistic looking toy guns for Christmas as it could lead to them being shot by armed marksmen. In a campaign of "Would You Buy A Toy That Could Kill Your Child?" PC Andy Wheddon, a firearms officer in Essex, said that he was concerned officers could shoot someone later found to be holding a toy gun. Essex officers were deployed to 900 incidents in 2009 and a spokesman said that over 800 had involved imitation firearms including toys, the majority of which were being carried by teenagers. Nobody was shot.

● **Blount County, Tennessee:** The Bureau of Alcohol, Tobacco, and Firearms has seized several small truckloads of materials – including gun parts—from Tennessee Guns International, or T.G.I., of Blount County. A TGI spokesperson will confirm only that federal agents took the materials as part of a routine audit required of all licensed gun importers, manufacturers, and re-sellers. "TGI is cooperating fully," says sales manager Ryan Patrick. TGI's website promotes the company as an importer and re-seller of surplus guns from formerly Communist countries. Crate labels say some material the ATF seized includes parts for AK-74 'assault rifles.' Note: that's **not** the AK-47, it's the AK-74, introduced by the Soviets in 1974 for the Afghanistan war. AK-74's can't be sold "as-is" in the United States. "They come in as parts and they have to be modified," said Coal Creek Armory's Jonathan Pirkle, a West Knox County firearms dealer and manufacturer. "Customs should have caught anything that wasn't allowed." An ATF spokesman in Nashville confirmed that the federal agency is examining the operations of Tennessee Guns International.

● **St. Cloud, Minnesota:** DPMS Firearms President and Founder, Randy Luth, has retired. Originally founded as Defense Procurement Manufacturing Services (D.P.M.S.), Luth built DPMS from a garage-based parts company into what is today, one of the largest AR manufacturers in the nation. After DPMS was acquired in 2007 by Freedom Group Inc., Luth continued his role as president, guiding the company through the turbulent marketplace before, during and after the 2008 election.

● **Metairie, Louisiana:** Russell Vanderwerf, 44, director of industry operations for the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives field office in Houston, was arrested on charges of disabling the fire alarm system and damaging property in his Metairie hotel room, according to a Jefferson Parish Sheriff's Office arrest report. Venderwerf also replaced the bedroom door with a plywood panel with a circular hole that the report said appeared to be used "in some sort of sexual act." A front-desk staffer told authorities she'd received a complaint from a hotel guest who said the door to that room had been propped open and that she noticed several "young men" entering and exiting. The guest also complained of hearing "sex noises" coming from the room, the arrest report said.

● **Washington, D.C.:** A report by the Justice Department's Inspector General, Glenn Fine, says the FBI can't figure out the right way to add or remove suspected terrorists from the country's unified terrorist watch list, subjecting citizens to unjustified scrutiny from government officials and possibly putting the country at risk. Senator Patrick Leahy (D-VT) took issue with the FBI's letting innocent citizens languish on a secret list. "Given the very real and negative consequences to which people on the watchlist are subjected, this is unacceptable," Leahy said. The FBI adds threats to the list, while intelligence agencies name foreigners. Fine's findings are not surprising, given his 2007 audit of the watchlist found that the list was full of duplicate entries and bad information.

Parting Shot

ALL GUN-CARRYING PASSENGERS BOARDED? AMTRAK HAS YOU SECURELY BOXED IN

Shortly after the 9/11 Islamist attack, Amtrak banned passengers from bringing firearms onto its trains, leaving them defenseless in the event of another terrorist attack.

Gun rights advocates worked for eight long years to convince Congress that law-abiding citizens should be able to arm themselves on Amtrak trains.

After the U.S. Supreme Court's *Heller* decision ruled that the right to keep and bear arms is an individual right, not a collective right, they won.

In late 2009, Congress passed a law giving Amtrak a year to develop and implement procedures under which firearms, if appropriately locked and secured in boxes, will be allowed in train cars that carry checked baggage. Anyone wanting to pack a firearm must give Amtrak advance notice and must leave from a station that offers baggage check services.

At last, a reasonable outcome. But Murphy's Law is alive and well, especially in Washington: if anything can go wrong, it did.

Somehow, on its way to the Oval Office for the president's signature, the wording of the law got garbled. The formal document, with its nice blue cover, didn't have the same words that Congress passed.

Our Harvard Law School graduate President Barack Obama, didn't read the fine print and signed a law that requires passengers and Amtrak personnel - not guns - to be safely secured in boxes. That's a big oops!

The law reads: "The guidance and procedures developed under paragraph (1) shall . . . include any other measures needed to ensure the safety and security of Amtrak employees, passengers and infrastructure, including in fiber, wood, or metal boxes."

You can just see it. "Good morning, sir, madam. Would you prefer fiber, wood, or metal today? We have the finest mahogany and a few nice aluminums available."

The law was also supposed to include language permitting "inspections of gun and ammunition containers and the suspension of firearm carriage service upon receipt of credible intelligence of terrorist threats." But that got lost.

Now an army of lawyers is trying to figure out what to do about a federal law that requires Amtrak to stow riders in baggage check, securely in boxes.

Congress will no doubt rectify the error soon with the correct language.

Just be glad you aren't in one of those human-size boxes containing the remains of innocent citizens who weren't allowed to carry guns to defend their lives against murderous criminals.

Alan M. Gottlieb

Joseph D. Tartaro

Yes, I want to stay informed! Send me the next twelve issues of The Gottlieb-Tartaro Report at half price!

Renewal New Subscription (Make out checks to: Second Amendment Foundation.)

Here's my \$30 (half price) for twelve information-packed issues of The Gottlieb-Tartaro Report!

VISA MasterCard Check Money Order

Card Number _____ Expires _____

Send my Gottlieb-Tartaro Report to:

Name _____

Street _____

City _____

State _____ Zip Code _____

Phone _____



You can telephone or FAX your order for the Gottlieb-Tartaro Report.
Telephone orders: 425-454-7012
FAX 425-451-3959