

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

As the 2004 presidential campaign hits the primaries, **gun rights defenders prepared to fight for landmark advances** during this election year.

Gun owners applauded a **major victory** when a provision inserted in a funding bill by Rep. TODD TIAHRT (R-KS) became law and **prevented the FBI National Instant Check System from keeping records of firearms purchased by law-abiding citizens for more than 24 hours** instead of 90 days as previously done.

Other provisions of the TIAHRT Amendment **prohibit BATF from releasing multiple handgun sales reports and unedited firearms trace information**, prevent a Clinton-era proposed rule requiring a **complete annual physical inventory of dealers' firearms**, and require BATF to **explain how tracing statistics are compiled**.

But it's not over. Expect a *string of killer amendments* to be offered when S. 659, the **gun industry liability protection bill**, goes to the floor March 3. The poison-pills will try to **repeal the just-adopted TIAHRT Amendment**, and **extend or expand the Clinton Semi-Auto Ban** (the so-called "assault weapons" ban), and impose **increased restrictions on gun shows**.

Also, expect a nasty **battle between Congress and the foot-dragging Transportation Security Administration** over TSA's resistance to the **armed pilots program**. The TSA has erected numerous hurdles to discourage qualified pilots from applying to carry firearms.

TSA is requiring pilots to **run a psychological gauntlet** *more rigorous than what most Air Marshals have to endure*. In addition, pilot applicants have to go to a remote training facility in New Mexico **on their own dime and their own time**.

Worse, TSA regulations now require armed pilots to **lock up their safety** during the times when they would be most vulnerable to attack, such as **any time the cockpit door is opened**.

One congressman, Rep. JOE WILSON (R-SC) is so irritated that he plans to **introduce legislation "right away,"** along with House Aviation Subcommittee Chairman JOHN MICA (R-FL) and as many as 50 co-sponsors, to force **major changes to help the armed pilots program** and knock down the hurdles.

The proposal would **remove most of the TSA's influence over the armed pilots program**, technically known as the Federal Flight Deck Officer (FFDO) program.

Sen. JIM BUNNING (R-KY) is expected to introduce an identical bill in the Senate.

The TSA brought this battle on themselves, **threatening pilots who spoke to Congress with removal from the FFDO program and civil fines** for "a serious breach of security."

Rep. Wilson took strong exception to TSA's implication that people aren't supposed to talk to Congress.

With the TSA fight, the gun control bunch trying to stop the gun industry liability protection bill and their push to extend and expand the expiring semi-automatic weapons ban, **we can expect a busy election year in Congress**.

It's not easy defending gun rights and **gun owners everywhere are grateful** for the work of people like Sen. JIM BUNNING, Rep. JOE WILSON and their allies.

Also in this issue: ● *Americans for Gun Safety junky study* ● *Brazil adopts strict gun control* ● *Ohio gets concealed carry, Wisconsin ban stays* ● *Judge says Second Amendment doesn't apply to Washington, D.C.* ● *Gun policy helps Bush poll* ● *NFL players and guns in our Page Eight Parting Shot*

**AT THE
FEDERAL
LEVEL**

AMERICANS FOR GUN SAFETY SPREADS TRUMPED-UP ANTI-GUN REPORT

The Washington, DC-based non-profit group called Americans for Gun Safety Foundation (AGSF) has released a 31-page report titled "Selling Crime: High Crime Gun Stores Fuel Criminals."

Americans for Gun Safety pretends to be a middle-of-the-road group that's not against guns, just for gun safety. It's not.

It spends most of its time and money preaching anti-gun propaganda. Most of that is so faked up you'd think they'd be embarrassed. They're not.

**A FAKE
STUDY**

AGSF's "Selling Crime" report is so riddled with lies, smears and phony facts that even the normally aloof U.S. Department of Justice (DOJ) responded formally and in writing.

"Selling Crime" asserts that of 373,006 guns traced from crimes or considered suspicious from 1996 to 2000, 54,694 came from 120 stores in 22 states.

AGSF cited that information from the BATF, which was made publicly available through a lawsuit the NAACP filed against gun manufacturers.

What AGSF did with the data really annoyed the DOJ.

MARK CORALLO, director of public affairs for the DOJ, said the study relied on "out-of-date and incomplete information to draw conclusions that the evidence doesn't support."

What conclusions? The report begins with a whopper: "A small number of the nation's 80,000 gun dealers are flooding America's streets with crime guns—yet Washington rarely investigates, shuts down or prosecutes most of the high-crime dealers."

Wow! Look at all the loaded language! "Flooding the streets." "Crime guns." "High-crime dealers." "Washington rarely investigates."

There's so much garbage in that one sentence, it's almost a crime.

First piece of garbage: Did those "120 stores in 22 states" actually sell floods of guns to thugs and terrorists?

Well, no. What they did do was sell at least 200 firearms that were later traced to some sort of criminal activity from 1996-2000 (the most recent data).

Were those traces all to crimes committed with guns?

Well, no. Most of those traces were to record-keeping mistakes by the gun dealer—for example, as a *Houston Chronicle* columnist wrote, 52 of 67 citations issued to the seven most-cited gun dealers were for clerical errors. Not for peddling "assault rifles" to Al-Qaeda or dealing "Saturday-night specials" to street gangs. Just for paper-shuffling goofs.

As the DOJ official said in his written response, "Firearms licensees who have guns traced back to them have not necessarily broken the law."

Next piece of garbage: What's a "high-crime dealer?" In reality, it's a gun dealer that happens to be located in an area of high crime rates, armed crime or otherwise. In fact, the guns sold by such dealers are to law-abiding citizens who pass background checks, and bought for self defense.

But Americans for Gun Safety want you to think gun dealers are selling "high-crime." Baloney.

Last piece of garbage: "Washington doesn't prosecute, etc." That's a slap at the BUSH administration DOJ, which has increased charges against gun dealers by 150 percent since 2000 (more zealously than common sense would indicate).

Besides, more than 95 percent of gun prosecutions are handled by state and local law enforcement agencies, not Washington. Let's get real.

It's Americans for Gun Safety that's selling crime—phony crime studies!

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AUSTRALIA BECOMING A POLICE STATE?

A few **voices of protest are emerging** against the gun-banning government of Australia. The Combined Firearms Council of Victoria, a gun group, says some **handgun license fees** which recently went into effect have **gone up by 300 per cent**, and should be revoked.

Council president Sebastian Ziccone says people wanting to take up handgun shooting sports **must pay \$75 for a police check**.

The unfairness of this outrageous fee is shown by the fact that the same police check for someone applying for work in a security sensitive area **costs only \$12**.

But new evidence that Australia is becoming a police state came in the form of **a firearms audit of every gun license holder in the state of New South Wales**. Gun fights in Sydney prompted a pistol audit last year, but this year's action came as a result of air rifle shootings in the large city.

Now the **police are entering the homes of every firearm license holder in the state** to penalize anyone whose paperwork does not exactly match their firearms. Any alleged safety error or improper storage will result in fines.

Police have vowed **they will not stop the audit until every last firearm in the state is located and checked**. Meanwhile, crime has not gone down.

AROUND THE WORLD

CANADA'S WESTERN PROVINCES REVOLT AGAINST GUN REGISTRY

Canadian Prime Minister Paul Martin is caught in the crossfire between gun registry-supportive Ontario and Quebec and **gun rights-protecting provinces from Manitoba westward to British Columbia**.

The majority of western Canadians **steadfastly oppose the nation's gun registry**. They see it as a symbol of how **western opinions are ignored by Ottawa**, as a colossal **waste of taxpayer money** and as an **assault on their individual rights**.

Prime Minister Martin has only made vague promises to "review" the controversial registry, even though recent polls show **55 percent of all Canadians believe it should be scrapped**. Trouble is brewing.

ENGLAND'S GUN BAN BACKFIRES

With the passage of strict gun control laws in the United Kingdom, citizens expected crime to taper off. Wrong.

As critics warned, **crime rates are soaring**. **Gun crime in Britain has doubled in the last five years**. Citizens can't legally use a handgun for self-defense.

Predictably, an anti-gun group called the Disarm Trust is calling for a ban on the import of **replica guns**. They can be converted to usable firearms for "only a few hundred dollars."

BRAZIL ADOPTS STRICT GUN CONTROL MEASURE

Brazil has recently **outlawed the possession of handguns**. No one in this nation of 175 million except police officers, soldiers and prison and security guards can carry a pistol.

Gun owners were told they have six months to hand in their firearms.

President Luiz Inacio Lula da Silva recently signed the bill into law, launching a risky experiment that many expect to backfire in higher crime rates, not lower.

Brazil has the world's highest rate of homicide by firearms.

UNITED NATIONS CALLS FOR WORLD GUN SALES CURBS

The United Nations Security Council recently urged the world's countries to **halt the sale of small arms and light weapons**, claiming they could end up in the hands of terrorists.

In pretty language designed to **hide a harsh purpose**, Council president Ambassador Heraldo Munoz of Chile called on all States to implement the anti-gun Programme of Action adopted at a 2001 UN conference on small arms.

OHIO FINALLY DOES IT! 37TH RIGHT-TO-CARRY STATE

After a decade-long effort, **law-abiding citizens of Ohio will now be able to legally carry a concealed firearm** for protection of themselves and loved ones.

Ohio Governor Bob Taft signed legislation making Ohio the **37th Right-To-Carry state**. It was the finale of a long drama that stretched out for weeks while Gov. Taft threatened a veto.

IN THE STATES

But last month the state's House and Senate both passed the bill with overwhelming majorities and virtually no debate, setting the stage for the Governor's historic signing.

Joe Waldron, executive director of the Citizens Committee for the Right to Keep and Bear Arms, said, "We thank Gov. Taft for signing the Right to Carry bill into law. We are confident it will prove to be a crime deterrent and will benefit all law-abiding Ohioans."

WISCONSIN ASSEMBLY FALLS ONE VOTE SHORT, CONCEALED CARRY BAN STAYS

Wisconsin's State Assembly **fell one vote short of overturning Gov. Jim Doyle's veto** of the hotly contested concealed carry bill. The 130-year ban was upheld because the assembly got 65 of the required 66 votes to override a veto.

State representative **Gary Sherman switched his vote** from yes to no at the last minute, saying he did it to protect his governor and the democratic minority.

Wisconsin is among only five states that do not allow citizens to carry concealed weapons. This number could go down to four if Missouri's law holds up in a court battle.

CALIFORNIA GUN RIGHTS INITIATIVE PETITION NOW CIRCULATING

California Secretary of State Kevin Shelley has announced that the Attorney General has prepared the official ballot title of **a new initiative measure that would amend the California Constitution to add a personal right to acquire and possess arms for defense of self, family and home.**

Donald Kilmer, originator of the proposal, must collect 598,105 signatures of registered voters, 8 percent of the total votes cast for governor in the 2002 gubernatorial election, for his measure to get on the ballot. The 150-day deadline to circulate petitions for the initiative is June 16, 2004.

ILLINOIS LEGISLATORS FACE DOUBLE-BARRELED ANTI-GUN THREAT

Illinois Democrat **Gov. Rod Blagojevich has gone back on his campaign promise that he would not infringe on gun owner rights.**

Senate Republican leader Frank Watson said **the Governor now vows he would enthusiastically support legislation to ban the sale of semi-automatic rifles and limit a person to the purchase of one handgun a month.** It wouldn't be easy: Anti-gunners would have to split hunter groups from mainstream pro-gun groups.

At the same time, Illinois legislators are being barraged by a group calling itself Clergy for Safer Streets with demands to pass Senate Bill 947, preventing the purchase of firearms at gun shows without a NICS background check.

WEIRD NEW JERSEY GUN BILL WITHDRAWN

When was the last time you heard of a holdup or sniper attack with a **muzzleloading rifle?** New Jersey Assemblywoman Loretta Weinberg (D-Bergen) seemed to think that might be a problem until hunters, re-enactors and muzzleloading enthusiasts let her know that her bill, A-3942 was too weird.

She yanked the bill, which would also have banned some bear hunting shotguns.

KANSAS CONCEALED CARRY BILL MAY MAKE IT THIS YEAR

Kansas Gov. Kathleen Sebelius has said she **will veto any concealed carry bill passed this year**, but that may not matter.

Rep. Candy Ruff (D-Leavenworth) said she thinks **the legislation will win by such a wide margin that it would survive a veto by Sebelius.** Ruff said, "A strong majority of Kansas citizens are for it."

VIRGINIA LEGISLATURE PACKED WITH GUN BILLS

A Virginia House of Delegates committee has tabled a pair of gun control bills, one that would have **kept domestic abusers from owning firearms** and one that would **allow local school boards to enforce zero-tolerance firearms policies on school property.** That kills them for this session.

IN THE STATES

But in a surprising victory for gun control advocates, a Senate committee narrowly advanced a bill that would **require background checks on people who buy guns from private individuals at gun shows.** Current law requires federally licensed dealers to do such checks, but it doesn't apply to unlicensed private owners who sell at gun shows.

Gun control pushers are also optimistic about **keeping unconcealed guns out of bars, where concealed guns are now prohibited.**

And then there's a bill being drafted by Delegate Thomas C. Wright, Jr., that would prohibit illegal immigrants from carrying a gun.

FLORIDA GUN RANGE PROTECTION BILL ADVANCES

Despite opposition from state environmental regulators and environmentalist groups, **a bill that would shield more than 400 gun ranges across Florida from pollution laws moves closer to law.**

A Senate committee approved the proposal with virtually no debate. The bill is poised to become one of the first bills approved when lawmakers officially begin their annual legislative session in March.

The issue involves possible ground pollution from lead-based ammunition.

ALABAMA SENATOR PONDERES MURDERS BY MENTALLY ILL GUN BUYER

How did Farron Barksdale pass a National Instant Criminal Background Check and buy a rifle from a Huntsville gun dealer?

State Senator Tom Butler (D-Madison) wants to know because **Barksdale had four court orders committing him to mental facilities** because he was "a danger to himself and others," yet **he legally bought the gun and used it to kill two Athens policemen.**

An attorney for the federal NICS system said its database would normally notify a gun dealer not to sell a weapon to someone like Barksdale, but **Alabama does not report its involuntary mental commitments to the national database.**

Sen. Butler talked with the FBI to see how a bill might be written to include information from Alabama in the database. No bill has emerged yet.

ILLINOIS MAY MAKE SHOOTING IN SELF-DEFENSE LEGAL

When a father who shot an intruder in Wilmett, Illinois was arrested for violating the village's ban on private handguns, **thousands of furious Americans flooded the village council's phone with protests of outrage.**

Now, Sen. Ed Petka (R-Plainfield) has sponsored SB 2165, **a bill that protects shooters in self defense cases** from prosecution for violating a municipal ordinance.

Richard Pearson of the Illinois State Rifle Association said, "It's difficult to imagine how anyone could oppose SB 2165, so I expect the bill to enjoy strong bipartisan support and swift passage."

MARYLAND SENATE PRESIDENT WANTS TO HELP BERETTA USA

Beretta USA is based in Accokeek, Maryland, but **can't sell its guns in the state** because a trigger-lock law championed by former Gov. Parris N. Glendening (D) had unintended consequences: **it made an important employer uncompetitive.**

Now Senate President Thomas V. Mike Miller Jr. has promised legislation that will help Beretta USA comply with the trigger lock provision of the big gun law passed in 2000.

The bill will **only clarify the definition of the locking device** that has to be built into new handguns, said Miller. Jim Purtillo, publisher of pro-gun newsletter Tripwire, was cautiously optimistic about the bill.

NEW MEXICO SUPREME COURT LETS CONCEALED CARRY LAW STAND

The state Supreme Court has **let stand a new law that allows New Mexicans to be licensed to carry loaded, concealed handguns.**

**ON THE
LEGAL
FRONT**

The court rejected without comment a challenge to the constitutionality of the law filed by an anti-gun children's advocacy group and a physician.

The five-member court issued its decision after hearing arguments in the case, then deliberating behind closed doors for about a half hour.

Chief Justice Petra Maes said **a written opinion would be issued later.**

The Citizens Committee for the Right to Keep and Bear Arms praised the court for doing the right thing.

MISSOURI CONCEALED CARRY CASE: AFFECTED BY NEW MEXICO?

The decision by the New Mexico Supreme Court could **boost the cause** for concealed carry in Missouri. **But an unfunded mandate law could doom it.**

The Missouri Supreme Court has **heard arguments** on the constitutionality of a new state law allowing most adults to carry concealed firearms, and **justices focused far more on Hancock Amendment issues** than they did on questions about whether the constitution **prohibits concealed weapons.**

Judge Steven Ohmer declared the law unconstitutional based on a section of the constitution that says the right to bear arms "shall not justify" the wearing of concealed weapons. **That's similar to the New Mexico case, where that argument seemed to carry no weight.**

But the Hancock Amendment could be a killer. It was adopted by voters in 1980 and prohibits the state from "requiring any new or expanded activities by counties and other political subdivisions without full state financing, or from shifting the tax burdens to counties and other political subdivisions." In other words, no unfunded mandates.

Former U.S. Representative Mel Hancock (R-Springfield) recently said he's for the concealed carry law, but "it's clearly an unfunded mandate." So he's worried that the high court asked so many questions about the law he initiated.

Now gun rights advocates anxiously await the high court's decision.

SECOND AMENDMENT DOESN'T APPLY TO WASHINGTON, D.C.

U.S. District Judge Reggie B. Walton has ruled that the District of Columbia was a "uniquely designed governmental entity" and that **the founders were not considering the city when they wrote the Second Amendment.**

This bizarre decision came in the lawsuit brought by D.C.'s taxicab commissioner and others to overturn the 1976 law prohibiting residents from having a handgun in their homes.

The Citizens Committee for the Right to Keep and Bear Arms awarded Judge Walton a **Special Bill of Wrongs Judicial Tyranny Achievement Prize**, said public affairs director John Michael Snyder.

But Walton's ruling may be irrelevant, because a bill sponsored by Rep. Mark Souder (R-IN), H.R. 3193, which has 149 co-sponsors, would repeal the D.C. handgun ban.

BIAS ALLEGED IN CALIFORNIA GUN PERMITS

Two national gun groups have asked a Sacramento Superior Court judge to **block a new California law that they say will lead to unchecked favoritism in the granting of concealed weapons permits in the state.**

The Second Amendment Foundation and the Citizens Committee for the Right to Keep and Bear Arms have filed suit to keep the state Department of Justice from destroying records of people who apply for gun permits, as a new law allows them to do.

The lawsuit asserts that **the records shouldn't be destroyed since they could reveal patterns of government bias** in who gets gun permits and who doesn't.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

●**Annapolis, Maryland:** A Maryland state senator has been referring to "sport-utility rifles" as a way to counteract the misleading term "assault weapons." Sen. Alex X. Mooney (R-Frederick) says it's a better term for the guns that sportsmen use for target shooting and hunting, especially with Democrats in Congress pushing to renew and expand the expiring federal ban on "assault weapons."

●**New York City:** Soft Skull Press, a small publisher, has released a revised version of "Arming America: The Origins of a National Gun Culture" by discredited academic Michael A. Bellesiles. After a panel found serious evidence of fraudulent material in the book, it was withdrawn by Vintage books, Bellesiles resigned from his Emory University professorship and he was ordered to return the 2001 Bancroft Prize in History, which had been awarded to the book. He's been teaching in England and is now editing a volume on violence in American history.

●**Philadelphia:** The Pink Pistols, a national organization for the self-defense of gay, lesbian, bisexual, and transgendered persons with legally-owned firearms has announced it now has 41 chapters in 29 states. Members gather regularly to socialize and practice self-defense techniques at local shooting ranges.

●**Denver:** The Colorado Bureau of Investigation's computer system was on the blink recently, causing headaches for gun shops that rely on their database for mandatory background checks of anyone who wants to buy a firearm. The system was down for a day, costing gun dealers thousands of dollars and customers possible endangerment from being unable to defend themselves if attacked. Dudley Brown of the Rocky Mountain Gun Owners said the CBI system has more problems like this than he'd like to talk about.

●**Tucson:** Safari Club International has picked former federal bureaucrat Thomas M. Riley to serve as its executive director. Riley was a U.S. Fish and Wildlife Service law enforcement Special Agent for many years in an agency notorious for taking private land and shutting hunters out of national wildlife areas. Riley himself is a hunter and promoter of shooting sports, but critics of federal misbehavior will be keeping a close eye on him in his new position.

●**Luxemburg, Wisconsin:** Sen. Russ Feingold told a Kewaunee County "listening session" that even though he originally voted in favor of banning so-called semi-automatic "assault weapons," he hasn't sponsored legislation to continue the ban and is now "leaning against" renewing it. He also told the town meeting that over the years he's heard a lot of people say there might have been misinformation about what these banned guns really were, and concluded, "There are some semi-automatics that really aren't assault weapons."

●**Reno:** Nevada's Sen. John Ensign recently told about 100 students at Reed High School that the U.S. Constitution's Second Amendment protecting the right to keep and bear arms is the most important of all the Bill of rights because the first step taken by dictators like Saddam Hussein is to take away citizens' guns. Sen. Ensign spent an additional 30 minutes taking questions from students, and said he intends to vote to repeal a ban on so-called "assault weapons," which he called "the stupidest law that was ever written."

●**Atlanta:** A CNN/USA Today/Gallup poll on Bush showed that most Americans give the edge to the Democrat Party on domestic issues, but the Republican Party has the advantage on security issues and world affairs. Nearly 50 percent preferred Democrats on the economy and taxes, but on issues such as terrorism, the Iraq war, world affairs and gun policy, most of the 1,003 adult Americans interviewed preferred Republicans

●**Madison, Wisconsin:** Democrat presidential candidate Wesley Clark, who actually won a primary election (Oklahoma), told the *Wisconsin State Journal* that he "is generally opposed to letting citizens carry concealed handguns." Clark said he has a lot of guns, but only police should carry concealed weapons.

Parting Shot

NFL ATHLETES AREN'T BULLETPROOF, SO THEY NEED GUNS

Okay, so Patriots quarterback Tom Brady carved up the Panthers for 354 yards and 32 completions during a 32-29 victory in Super Bowl XXXVIII.

Does that mean he's not a target for violent crime? Just the opposite.

The high profile and great wealth of NFL players makes them hot targets. And crimes against professional athletes don't get much sympathy or news coverage.

So what do they do when they realize their massive size and strength don't give them enough protection?

The same as many other people: they get guns.

Well over half of all NFL players are estimated to own guns. About 45 percent of Americans generally own guns. So the NFL guys know they're at risk.

Late last month, Baltimore Ravens cornerback Corey Fuller, a 5-foot, 10-inch 210-pounder was confronted by two armed robbers outside his Tallahassee house. One robber chased him into his house where his wife and children were sleeping, but Fuller was able to grab a gun and return the fire of his attackers, who then ran away. Fuller has offered a \$10,000 reward for information leading to an arrest.

Greg Anthony, a 6-foot 176-pound guard for 12 years in the NBA, carried a registered gun during part of his career. He said, "Lots of people approach you, and you just never know what somebody is capable of doing. We see carrying as a deterrent."

But big newspapers like the New York Times and Chicago Tribune have run negative stories about professional players owning guns.

High profile basketball players Allen Iverson, Charles Barkley and Scottie Pippen have been arrested for illegal gun possession, along with football players Alonzo Spellman and Damien Robinson. Charges were eventually dropped in all these cases, but the news reports had already formed public opinion.

On the other hand, Yancy Thigpen of the Tennessee titans has faced three armed robberies since joining the NFL eight years ago. The last one left him and his fiancée tied up inside his house with their 2-month-old daughter locked in a closet.

Will Allen of the New York Giants was assaulted, doused with gasoline and robbed at his own home one evening in 2001.

You don't hear about that, but when former Chicago Bulls guard Randy Brown was accused of having a loaded handgun in his SUV when police pulled him over on a traffic stop, you heard about it.

Athletes have Second Amendment rights too.

Alan M. Gottlieb

Joseph D. Tartaro

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