

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Gun control groups including the **Brady Center to Prevent Gun Violence** have their **spin doctors working overtime on damage control**.

The crisis? **Two separate studies** that were supposed to **support** a ballistic "fingerprinting" catalog of all California firearms instead ended up **opposing the idea**. That erodes congressional support for a national firearms database, *the next big gun control project*.

The national campaign was inspired by last fall's Washington area **sniper attacks**, and **the gun control mob** wanted California to **lead the way**.

The state legislature was supposed to pass a law requiring manufacturers to provide a bullet "fingerprint" for **every gun made and sold in California**, which sells and produces **more guns than any other state**.

Currently, only Maryland and New York require ballistics be kept, and only on handguns.

California Attorney General BILL LOCKYER ordered an internal Department of Justice report on **the feasibility of ballistic fingerprinting** and **computerizing the result** for all guns in the state.

The report, **which was expected to prove the ease of making such a database**, instead came out so embarrassingly bad that **Attorney General LOCKYER delayed its release**.

The study found that the number of potential computer matches in the state **will be so large as to be impractical**, **that a large proportion** of weapons couldn't be recorded, that **each gun's markings change** with routine use, and, to make things hopeless, markings can be **easily altered** to avoid identification.

LOCKYER submitted the terrible report for reviews by the Bureau of Alcohol, Tobacco and Firearms, and by **independent ballistics expert Jan De Kinder** of Belgium, hoping for a rebuttal to his own Department's findings.

The Associated Press obtained a copy of the report and broke the news that the internal report **questioned the success** of the whole ballistic fingerprinting concept.

LOCKYER **got the rebuttal he wanted** from the BATF, which disputed much of the California report, saying that with technology under development by the BATF and the FBI, **large-scale ballistic comparison goes from an impossibility to a valuable investigate tool**.

Then the other shoe dropped. **Expert De Kinder rebutted the BATF rebuttal**, supporting the state report and disputing the BATF's conclusions.

Ballistic databases aren't feasible. So now **California is stuck with two very negative reports** that were supposed to be very positive.

That's why **gun control groups immediately went into damage control mode**, saying De Kinder's report indicated that ballistic databases "have great potential," according to LUIS TOLLEY, Western director of the Brady Center to Prevent Gun Violence. If it sounds like a game of "let's pretend," it is.

Maybe the facts don't matter to the Brady bunch, but **they do to gun owners**.

Also in this issue: ● *Court dumps Bellesiles cites* ● *GOP split on concealed carry in Colorado* ● *Virginia gun show bill dies in committee* ● *New Mexico revives pro-gun bill* ● *London is gun crime capital* ● *Don't beat up granny in our Page Eight Parting Shot*

**REPORTS OPPOSE
BALLISTIC
FINGERPRINTING**

GUN CONTROL GROUP'S LAW-COUNTING STUDY CALLED A WASTE OF TIME

Are there **20,000 gun control laws** currently on the books? President Ronald Reagan said there were.

But no, **there are only 300** - if you believe a new report published by a liberal Washington think tank, the Brookings Institution Center on Urban and Metropolitan Policy.

It was written by **gun control advocates** JON S. VERNICK of the Johns Hopkins Center for Gun Policy and Research and LISA M. HEPBURN of the Harvard Injury Control Research Center.

STUDIES

They claim that **conservatives such as Reagan exaggerated** the figure of 20,000 in order **to defeat calls for additional gun legislation**. They said there is "no source" for Reagan's statistic other than references in Congressional testimony back in 1965.

The Brookings study **ignored as irrelevant** all local gun ordinances because they have been **superseded by state laws** in more than 40 states.

Gun rights defenders are up in arms about the study's odd way of counting. JOHN LOTT, resident scholar at the American Enterprise Institute and author of the book *More Guns, Less Crime*, said **proof of approximately 20,000 gun laws is readily available** in a compendium prepared twice a year by the Bureau of Alcohol, Tobacco and Firearms.

JOE WALDRON, executive director of the Citizens Committee for the Right to Keep and Bear Arms, emphasized that **just counting federal laws misses the point**: "Federal law," he said, "is a general rule that doesn't tell you where and how you can possess a firearm. That's what state and local laws focus on."

LOTT may have explained the new Brookings report: **it's publicity hype for bookstores**. "Brookings has a book coming out soon. The best I can figure, they released this study to call attention to the subject. They seem to be putting out a news story every day. We'll see them dribbling out for awhile."

BROOKINGS BOOK TRIES TO DISCREDIT JOHN LOTT'S MORE GUNS, LESS CRIME

The Brookings book is titled, "Evaluating Gun Policy," by Stanford law professor JOHN DONOHUE. It asserts that **more guns can worsen crime**.

DONOHUE says his findings contradict JOHN LOTT's influential 1997 study which concluded that **by adopting concealed carry laws, states can substantially curb violent crime**. Criminals would be **more wary of armed citizens** who are prepared to defend themselves.

LOTT's study found that the 10 states that adopted right-to-carry laws from 1985 to 1991 - including Pennsylvania and Florida - had **substantial declines in murder and other violent crime**, compared with states without such laws.

DONOHUE called LOTT's conclusions **ideally flawed** and **misguided**, and said that **his own study revealed the opposite**. He found 13 states that enacted right-to-carry laws after 1992 experienced **steep increases** in murder and other violent crime rates, compare with states without such laws.

LOTT countered DONOHUE in a *Stanford Law Review* article, saying DONOHUE had **simply misread his own results**. "The most detailed results show **large drops** in violent crime" right after the laws are adopted.

DONOHUE lamely responded that **such comparisons are skewed**, since the states that have adopted such laws are **mostly rural and isolated from urban ills** such as crack cocaine offenses. Pennsylvania? Florida? Not very convincing.

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SECOND AMENDMENT FOUNDATION APPLAUDS FLORIDA JUDGE

The Second Amendment Foundation (SAF) applauded Palm Beach County Circuit Judge JORGE LABARGA for **setting aside the outrageous \$1.2 million verdict** against the Valor Corporation for **distributing the firearm** used by 13-year-old Nathaniel Brazill to murder his teacher over two years ago.

SAF issued a statement saying, "Judge Labarga has allowed common sense and the rule of law to prevail over emotion. **The Valor verdict defied logic by holding the Valor corporation responsible for the willful act of a young thug.** Nathaniel Brazill, who stole the pistol used to gun down Lake Worth Middle School teacher Barry Grunow, **is solely responsible for that crime, and not the distributor.**"

**LEGAL
BATTLES**

9TH CIRCUIT COURT DUMPS ANTI-GUN PROFESSOR'S WORK AT AWKWARD TIME

A three-judge panel of the San Francisco-based 9th U.S. Circuit Court of Appeals **has removed references** to discredited historian MICHAEL BELLESILES's writings **from its written opinion** in the important gun-rights case *Silveira v. Lockyer*. **And it did so at an awkward moment.**

The panel's December, 2002 ruling that "it is the collective rights model which provides the best interpretation of the Second Amendment" **relied in part on articles by former Emory University professor BELLESILES** which supported the position that the Second Amendment does not protect individual rights.

Shortly after the panel issued its ruling, **a headline-making flap arose** when BELLESILES, *who had resigned his professorship in disgrace, was forced to return the prestigious Bancroft Award* that had been given for his book, *Arming America: The Origins of a National Gun Culture*. **An independent panel had ruled the book's research was falsified.**

The panel may have gotten itself into trouble by removing the two BELLESILES citations **because of the timing**. California attorney GARY GORSKI, representing *Silveira* plaintiffs, had petitioned for a full *en banc* hearing (all 28 judges on the court, not just the three who issued the ruling). Then, **before ruling on whether to allow the plaintiffs an en banc hearing, the panel quietly replaced the offending BELLESILES citations with other references.**

Since GORSKI pointed out in his petition that the panel mentioned BELLESILES's discredited work, **it certainly looks like the three judges are trying to convince the rest of the court that their decision is still valid. Suspicious.**

LAWSUIT FORCES SAN FRANCISCO TO REPEAL 'ASSAULT WEAPON' BAN

The California Rifle and Pistol Association (CRPA) has **won a major legal battle with the City of San Francisco**. It filed a lawsuit against the city's "assault weapons" ordinance, alleging it was unconstitutional and preempted by the state's "assault weapon" law.

After failed negotiations with the city, CRPA and others filed the suit in San Francisco County Superior Court. In response, **city officials voted to repeal the ordinance**. The formal repeal from the city's municipal code took effect on January 20, 2003.

OKLAHOMA SCHOOL SHOOTING LAW RULED INVALID

An Oklahoma law passed in the wake of the Columbine High School shootings **has been ruled unconstitutionally vague**.

The ruling by Cleveland County Special Judge ROD RING came in the case of BRIAN DERRICK ROBERTSON, 19, **who was charged last spring with planning a school shooting after a plan was found on a computer he had used.**

The law made it illegal to plot to kill or hurt someone. Robertson never acted on the plan. Judge RING said **the way the law was written could prohibit a constitutionally protected act, free speech.**

Assistant District Attorney RICHARD SITZMAN said he will appeal RING's ruling. Defense attorney SARA McFALL said the case could go to the U.S. Supreme Court because it involves federal constitutional rights.

CONCEALED-CARRY BILL DIVIDES COLORADO GOP

A Colorado concealed carry bill (Senate Bill 24) that required fingerprinting all permit applicants **was blocked in a state Senate committee**, which then **passed another bill** (Senate Bill 63) requiring sheriffs to issue permits within 15 days whether or not a criminal background check has been completed.

**IN THE STATES
SPECIAL REPORT**

Both bills were sponsored by Republicans. Republican **Governor BILL OWENS prefers Senate Bill 24**, the bill that failed in the Senate's State, Veterans and Military Affairs Committee.

Senate Bill 24, sponsored by Sen. KEN CHLOUBER (R-Leadville), is supported by Colorado's sheriffs, and **requires the issuance of permits only after applicants pass a fingerprint background check and a weapons proficiency class**. It would also prohibit carrying guns in public school and *give sheriffs some discretion to deny permits*.

Rep. AL WHITE (R-Winter Park) said **he would introduce CHLOUBER's bill in the House**. CHLOUBER is the Senate's president pro-tem.

WHITE said **the Governor would not sign Senate Bill 63**, which was sponsored by committee chairman Sen. DOUG LAMBORN (R-Colorado Springs).

Observers were guessing at which Republican senators might vote with Democrats to kill Lamborn's bill on the floor. LAMBORN has indicated **he will revive CHLOUBER's bill** if his is defeated.

MINNESOTA HAS CHANCE TO PASS CONCEALED CARRY LAW

A concealed carry bill that was narrowly defeated in last year's Minnesota legislative session **may have enough votes in the House and Senate to become law this year**.

In past legislative sessions in St. Paul, the Senate defeated concealed carry legislation while **the House overwhelmingly passed the bill**. Last year **gun control advocates barely defeated the bill** when it died on a tie vote in the Senate.

But a new legislature and a new governor could make the difference. Gov. TIM PAWLENTY has indicated **his support for the concealed carry measure**.

The gun control mob will fight it tooth and nail, says REBECCA THOMAN of Citizens for a Safer Minnesota. She told reporters that a concealed carry law would increase gun violence in the state.

The Minnesota Sheriff's Association and the Minnesota Police and Peace Officers Association say they will oppose any changes to current law.

But Rep. LINDA BOUDREAU (R-Faribault) says **the state's current law is unfair**. She says county sheriffs and police chiefs have the power to **arbitrarily issue or deny a handgun permit to anyone**.

"Any Minnesotan over the age of 21 should have the right to carry a handgun," Boudreau said. **She will author the bill in the House**.

JOHN CAILE of Concealed Carry Reform Now says the bill will pass the Senate this session. He says **his forces have four to seven more votes** from newly elected lawmakers favoring concealed carry.

DULUTH MAY BAN GUNS FROM CITY PROPERTY

Facing the prospect of a statewide concealed carry law passing in this year's legislative session, **the City of Duluth, Minnesota is moving an ordinance to ban handguns from city buildings, vehicles and in parks, even if a person has a concealed-weapons permit**.

City Councilor GREG GILBERT said, "We are not trying to turn Duluth into a gun-free zone. We don't think it's appropriate to have handguns and concealed weapons on city property. It's a very modest expectation."

Councilor NEILL ATKINS countered, "I don't see a need for this, unless there is a compelling story from police. **My concern has always been disarming criminals, but they don't care about our laws and regulations.**"

The Duluth ordinance is modeled after a similar law in Minneapolis, which withstood legal challenge. A vote is expected late this month.

VIRGINIA GUN SHOW BILL DIES IN COMMITTEE

A bill that would have **required unlicensed dealers at gun shows to conduct background checks on people purchasing guns** has failed to get out of committee on a vote of 11-3 to reject.

IN THE STATES SPECIAL REPORT

The Senate Courts of Justice Committee decided instead **to request a study of the issue by the state Crime Commission.**

The bill's sponsor, Sen. HENRY L. MARSH III (D-Richmond) was annoyed. "I don't want to waste another year studying it," he told reporters.

OHIO CONCEALED CARRY ISSUE FACES UPHILL BATTLE

With Republican leaders of Ohio's state Senate and House saying that **concealed carry didn't make the top five list**, any bill introduced will take a back seat to worries over the state's budget deficit and other serious problems.

JEFF GARVAS, president of **Ohioans for Concealed Carry**, agreed that the state has more pressing concerns now, **but a bill will likely be introduced and debated anyway.**

Republican Gov. BOB TAFT says **he'll veto any bill while law enforcement remains opposed.** State Highway Patrol Captain JOHN BORN said the patrol wouldn't support a bill that **gives motorists access to loaded guns.**

The state is appealing an April ruling by the 1st Ohio District Court of Appeals that **the state's ban on concealed weapons violated the state Constitution's guarantee that people can arm themselves for self-defense.**

ANTI-GUN MEASURES INTRODUCED IN CALIFORNIA LEGISLATURE

Two gun control bills are making their way through California's legislature.

AB 50, sponsored by Assemblyman PAUL KORETZ (D-42), would **restrict the sale and ownership of .50 caliber BMG rifles.** Although this is a repeat of last year's bill that failed, newly elected legislators may give KORETZ the votes he needs to pass it.

Anti-gun Senator JACK SCOTT (D-21) introduced SB 35, a measure that would give the California Department of Justice **the authority to establish and maintain a ballistic identification database.** Costs of administering the database would be passed on to manufacturers, distributors and consumers.

SCOTT introduced the bill despite the findings of two California DOJ reports that ballistic "fingerprinting" is impractical and unreliable. (See Page 1 story.)

NEW MEXICO CONCEALED HANDGUN BILL REVIVED

Last year's **rejection by the New Mexico Supreme Court** hasn't stopped Sen. SHANNON ROBINSON (D-Albuquerque) from **introducing his concealed carry measure into the state legislature again this session.**

Sen. ROBINSON sponsored a concealed carry bill that was signed into law last year. However, the state Supreme Court last summer ruled that **a provision allowing local governments to ban concealed carry permits within their limits violated the state constitution.**

ROBINSON's legislation would require citizens to **undergo training in the use of handguns** as well as in **the law of self defense** before they would be certified by the New Mexico Department of Public Safety to carry a concealed handgun.

Democrat Gov. **BILL RICHARDSON** **campaigns for concealed carry legislation** and through spokesman GILBERT GALLEGOS said he would judge any particular legislation if and when it reaches his desk.

The New Mexico Constitution guarantees the rights of citizens to keep firearms for sport and self defense, but it also contains language stating that **the constitution should not be construed to grant citizens the right to carry concealed weapons.**

ROBINSON says that provision **does not amount to a prohibition** of any law that would permit carrying concealed weapons, but **opponents disagree.** The battle over his legislation is expected to be heated.

CANADIAN COPS WON'T ENFORCE GUN REGISTRY LAWS

The deadline for Canadians to register all their guns passed Dec. 31, but **an estimated one-quarter of firearms in the nation are not yet registered.**

However, the wildly expensive registry - \$1 billion instead of the promised \$2 million - is in such disarray that **people are unable to register guns or even contact officials.** As a result, police and prosecutors all over Canada are refusing to enforce the law.

Eight provinces and three territories have called on the federal government to stop the registry.

AROUND THE WORLD

BRITISH MAN WHO KILLED IN SELF-DEFENSE AGAIN DENIED PAROLE

In a serious miscarriage of justice, a British farmer convicted of murder for killing a burglar who had broken into his home **was denied parole for the second time at a recent hearing.**

The Parole Board gave no reason for turning down the petition of TONY MARTIN, although an unofficial source alleged it was because a probation report labeled the farmer "a danger to burglars."

MARTIN gained international attention **when he was convicted of murder after shooting two burglars** who had broken into his isolated farmhouse in Norfolk, England, one of whom died.

MARTIN's appeal of his conviction on grounds of self-defense was denied, and then his request to have his case presented before the House of Lords was rejected. Even new forensic evidence wasn't enough to warrant acquittal, although his conviction was reduced to manslaughter and his sentence reduced to 5 years.

With a draconian legal system that **punishes self-defense and passes laws that disarm its citizens,** Great Britain has only itself to blame for becoming one of the world's most notorious crime capitals and creating a helpless citizenry.

LONDON NOW GUN CRIME CAPITAL

London is the gun crime capital of Britain, according to the Home Office statistics.

Nearly 4,200 crimes involving firearms were committed in Greater London last year. Greater Manchester was the second most dangerous place for gun crime.

Nationwide, **guns were used in 9,974 reported crimes** in 2002, up from 7,362 the year before.

The government's solution is to slap a ban on airguns and replica firearms, which can be illegally converted to fire live ammunition. Carrying the weapons in public without a license would become illegal, officials said.

British criminals obviously pay no attention to the nation's ban on handgun ownership.

JAPANESE SUICIDES SOAR, HANGING IS THE PREFERRED METHOD

Japanese are committing suicide in record numbers, a reflection of their crumbling economy. **Nearly 600 Japanese kill themselves each week,** three times more than in America, and the highest number in the industrialized world.

In a nation with a total gun ban, how do they do it?

The old samurai hara-kiri with a knife is out. **Hanging is in.** Followed by hurling yourself in front of a speeding commuter train.

Obviously gun control can't be justified by relating it to suicide. The Japanese have both.

KNIFE CONTROL THE NEW CRY IN SCOTLAND

Deputy justice minister HUGH HENRY says **Scotland's brutal culture of knives, machismo and alcohol is a much greater threat to public safety than guns** and must be brought under control

Knife crime in Scotland has risen from 6,500 incidents in 1992 to 8,671 in 2001. Police say there's more risk of meeting a knife on the streets than a gun.

So far, no knife control group has come forward to advocate legislation.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

●**Newark, New Jersey:** The 49-year-old wife of CNN host Lou Dobbs was released without bail about two hours after her arrest at Newark International Airport for having a gun in her purse while trying to board a Continental Airlines flight to Florida. Lou Dobbs, the CNN Moneyline anchorman, explained that the gun had been in his wife Debi's purse since a trip to Vermont last fall. Port Authority Police confiscated the .25-caliber semiautomatic handgun. Unlawful possession of a weapon carries a penalty of 3 to 5 years, although that's unlikely for a first-time offender. Dobbs joined her family in Florida on a later flight.

●**Charleston, North Carolina:** Police Chief Reuben Greenberg surprised business owners in the city's Folly Road district where there were 8 robberies and 15 breakins in the past year when he suggested that they arm themselves. He said one particular downtown business in a high-crime area hasn't been held up in 20 years because the owner and employees, including the guy mopping the floor, are armed. One Folly Road business owner said, "That's completely unacceptable," and another said, "I can't believe that's the only way." Chief Greenberg replied, "That's the kind of world you live in."

●**Modesto, California:** City councilman Will O'Bryant raised a stink when a story emerged that he had carried a gun to a recent public meeting. Mayor Carmen Sabatino was so upset he intends to call a vote on banning concealed weapons from the council chamber. However, O'Bryant is a retired Alameda County sheriffs deputy with a concealed weapons permit. He responded to questions about the gun saying it is nobody's business when and where he takes his weapon. When the flap hit the headlines, O'Bryant pledged in a letter to his colleagues to "voluntarily refrain from carrying a weapon at any time in our council chambers." The mayor seemed happy with that, but insists on passing an ordinance forbidding it anyway.

●**Maryland:** Muscular dystrophy victim Dan Sullivan worked as an emergency trauma nurse before the disease severely limited the use of his legs. He can walk only with the assistance of two canes. The State of Maryland has denied him a permit to carry a concealed handgun because he could not fulfill ridiculous requirements. Police demand that concealed handgun permit applicants provide "documented evidence of recent threats and/or assaults, supported by police reports and/or notarized statements." Sullivan has a "visually obvious physical disability" that makes him an attractive target for criminals. He can't flee or defend himself. It looks like Sullivan will have to die in Maryland before he can get a concealed carry permit.

●**Chicago:** The rabidly anti-gun Joyce Foundation has just given a \$400,000 grant to Ohio State University to create a "comprehensive Second Amendment research center." OSU history professor Saul Cornell will head the new center. He has published works supporting the collectivist view of the Second Amendment, which argues that there is no individual right to keep and bear arms. Sounds like a propaganda center that excludes opposing opinions, which may raise questions about the legality of the foundation grant.

●**Miami, Florida:** Eleven Miami police officers are being tried for planting guns at crime scenes and lying about it to avoid getting in trouble. The charges arose from police shootings from late 1995 to mid-1997 when Miami was fighting bad publicity about violent tourist robberies. The officers were accused of planting guns after they killed two men who robbed tourists, then near a 72-year-old man killed by a 120-shot SWAT volley, and other police killings.

●**Bellevue, Washington:** The Citizens Committee for the Right to Keep and Bear Arms (CCRKBA) has called upon all public libraries to pull the discredited Michael Bellesiles book, *Arming America: The Origins of a National Gun Culture*, from their shelves. Publisher Alfred A. Knopf has decided to halt further publication of the book, and CCRKBA Executive Director Joe Waldron has extended the request to librarians as a defense of integrity in research, which this book violates.

Parting Shot

SELF-DEFENSE STOPS MORE CRIME THAN WE THOUGHT

There are a lot more self-defense stories in the media than in times past. For example, a **Frederickburg, Virginia** newspaper ran a story about a 54-year-old woman who was still annoyed by a burglary at her own home and when she saw the same thing happening to her neighbor. She got a gun and was holding a teenage suspect at bay when police arrived.

The boy, 16, was charged with breaking and entering and possession of burglary tools. A second suspect ran away but police know who he is.

Sheriff's Major Howard Smith said, "We don't recommend this type of action. We'd rather for our citizens to just be good witnesses. Although this turned out positive, it could have had a bad ending."

And in **Charlotte, South Carolina**, a man fatally shot his daughter's boyfriend who had attacked both the father and daughter with a baseball bat. The boyfriend, Maurice Robinson, 21, was out on bail on charges he assaulted his 69-year-old grandfather with a baseball bat and hit the 62-year-old grandmother who raised him.

South Carolina law allows the use of deadly force to protect your life or that of another, said Detective Marc Kitts. Police decided not to prosecute the father, ruling self-defense.

A Charlotte Observer columnist wrote a sympathetic article praising Dixon for saving his daughter from abuse. "When the abused fight back, I have to cheer," wrote columnist Tonya Jameson. "Yes, killing is wrong, but sometimes you just get fed up with abuse."

Most hopeful, two **Harford County, Maryland** men were acquitted of murder in the killing of a drug addict who broke into their **East Baltimore** warehouse. Prosecutors said that Kenny Der and Darrell R. Kifer were acting with murder in mind, not self defense, when they killed Tygon Walker with a shotgun and a handgun in June 2001.

But Baltimore Circuit Court Judge John M. Glynn pronounced the men not guilty of first-degree murder seconds after attorneys finished their closing arguments.

"The case is straightforward," said the judge. "The state has the burden of proof and I cannot find that the state met that burden of proof."

Kifer said, "I am hoping people will now be able to defend themselves and not be prosecuted by the law."

Alan M. Gottlieb

Joseph D. Tartaro

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