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# Allegheny County Sportsmen's League Legislative Committee Report

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ALLEGHENY COUNTY SPORTSMEN LEAGUE ON THE INTERNET <http://www.acslpa.org>

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## ACSL Lawsuit against Pennsylvania State Police

On March 30, 2004 the ACSL received a letter from Attorney John Pushinsky with a copy of a press release from the American Civil Liberties Union regarding their opposition to Pennsylvania joining the MATRIX system (see the report on the MATRIX system below).

In that letter Mr. Pushinsky also gave us an update on our law suit against the Pennsylvania State Police. At this time a decision has not been issued. Mr. Pushinsky went on to say. "While this type of delay in the issuance of a decision is not unheard of, it is not the usual course of events. I expected that we would have had a decision by now. I suppose it is safe to assume that the Court is struggling with the issues presented by the case."

"One event that has occurred since argument that may impact on the case is the loss of Justice Zappala and the election of Max Baer to the Court. Neither Zappala nor Baer should participate in the Court's decision. Since Justice Saylor recused himself, the case will most likely be decided by five Justices: Cappy, Castille, Newman, Nigro and Eakin."

If Mr. Pushinsky is correct this will eliminate the possibility of a tie vote. With only 5 Justices deciding the case the decision may be a 3-2 decision. Both Newman and Eakin were elected with NRA support there is a good chance they will be on our side. We may get a third vote from Nigro and possibility Castille.

Of course all of this is all speculation at this time, and we will not know the final outcome until we get a decision.

## Pennsylvania Joins MATRIX

On March 29, 2004 the ACLU of Pennsylvania released a statement to the Pennsylvania General Assembly to "Bring MATRIX Under Control"

MATRIX stands for Multistate Anti-Terrorism Information Exchange. Currently there are only five state participating, **They are: Connecticut, Florida, Michigan, Ohio, and Pennsylvania. Over the last few months Alabama, Georgia, Kentucky, Louisiana, Oregon, South Carolina and Utah have dropped out of , or suspended their participation in, MATRIX.** According to the ACLU's statement. "It (MATRIX) is a federally funded program that pulls together public and commercial databases. Billions of records on millions of Americans are being stored and controlled by a private company, Seisint Inc. Through MATRIX governmental agents can instantaneously access information on firearms and hunting licenses, motor vehicle and driver record information, criminal history records, bankruptcy filings, professional licenses and voter registration information."

The Pennsylvania State Police, without legislative approval or oversight, has apparently entered into an agreement to participate in MATRIX. The ACLU believes that the Pennsylvania General Assembly should take the lead in assuring the privacy of Pennsylvania's citizens. "There should be legislative hearing looking into the circumstances under which Pennsylvania began to participate in MATRIX. Questions should be asked concerning the funding of MATRIX, what data is being compiled and distributed through MATRIX, who has access to it and what steps are being taken to guarantee that this information will never be used for data mining or creating profiles of Pennsylvanians."

Below is from the MATRIX web site:  
<http://www.matrix-at.org/>

## MATRIX Data Sources

### The Data Reference Repository

#### EXCLUDED DATA

The reference repository **does not** contain the following:

- Telemarketing calling lists
- Direct mail mailing lists
- Airline reservations or travel records
- Frequent flyer/hotel stay program membership or activity
- Magazine subscriptions lists or reading lists
- Telephone calling logs or records
- Credit card or debit numbers
- Purchases (e.g., retail store, Internet, or even gas stations)
- Mortgage or car payments
- Bank account numbers or account balances
- The costs of a home addition
- Birth certificates
- Marriage licenses
- Divorce decrees
- Utility bill payments (i.e., gas, electric, phone, heating oil, cable or satellite TV)

Therefore, such data **is not** provided to law enforcement. Under federal law, when such data is required to further a law enforcement investigation, law enforcement must obtain a judicial order (i.e., subpoena) and serve it directly on the organization having or owning such data.

#### INCLUDED DATA

The data reference repository for the FACTS application contains public records from thousands of locations (i.e., county courthouses and other public records locations) on U.S. individuals and businesses. Examples include:

- ♣ FAA pilot licenses and aircraft ownership
- ♣ Property ownership
- ♣ Coast Guard registered vessels
- ♣ State sexual offenders lists
- ♣ Federal terrorists watch lists
- ♣ Corporation filings
- ♣ Uniform Commercial Code filings (i.e., UCCs or business liens)
- ♣ Bankruptcy filings
- ♣ State-issued professional licenses

In addition, commercial sources are used where they are generally available to the public or legally permissible under federal law; for example, telephone directory assistance.

MATRIX also includes data files that historically have been available to law enforcement for decades. The following files have been provided by some of the participating states where available.

- ♣ **Criminal History** information
- ♣ **Department of Corrections** information and photo images
- ♣ **Sexual Offender** information
- ♣ **Driver's License** information and photo images
- ♣ **Motor Vehicle Registration** information

### Assault Weapons Ban introduced in Pennsylvania.

**House Bill 2451** has been introduced in the Pennsylvania House of Representatives by the following legislators; FRANKEL, THOMAS, BISHOP, COHEN, CURRY, D. EVANS, HORSEY, JAMES, JOSEPHS, KIRKLAND, LEACH, MELIO, PISTELLA, ROEBUCK, ROONEY, STETLER,

STURLA, WASHINGTON, WATERS, WEBER, WHEATLEY, WILLIAMS and YOUNGBLOOD.

While certain semiautomatic firearms will be banned, it does not affect those semiautomatic firearms that have the same capability of those defined as assault weapons.

The ban is so loosely worded, that it could ban the possession of all semi-automatic firearms.

This legislation ignores the efforts of the Select Committee to Investigate the Use of Semi-Automatic and Automatic Firearms Use In Crime. This Committee held five hearing around Pennsylvania in 1994. After hearing testimony from the leading experts from around the country, the committee found that these types of firearms are used in less than 1/2 of 1% of violent crime in Pennsylvania. The committee did not recommend that any further legislation specifically directed at these types of firearms other than those that effect traditional firearms. The Committee then established the current background checks on all gun purchased and established the Pennsylvania Instant Check System.

This effort is similar to other efforts in other state to attempt to set in place statewide that which the anti-gun groups could not do on the federal level.

It does not appear that the General Assembly is willing to revisit this issue again.

## **NRA-ILA Grassroots Alerts**

**Vol. 11, No. 11**

**03/19/2004**

### **BASELESS LAWSUIT AIMED AT RUGER DISMISSED WITH PREJUDICE**

Fast on the heels of the Senate's failure to pass a "clean" version of S. 1805--the Protection of Lawful Commerce in Arms Act--comes another example of why legislation to protect the firearm industry is so vital.

On March 10, a trial court dismissed with prejudice the entire lawsuit filed against [Sturm, Ruger & Company](#), and other members of the lawful U.S. firearms industry, by the city of Newark, New Jersey.

In a press release on Monday, Ruger said the court dismissed the case because the City of Newark failed to meet any of the requirements of a prior court order. The plaintiffs would have had to fulfill these requirements in order to file an application to

reinstate the complaint before a court-imposed March 1, 2004, deadline.

Commenting on the decision, Ruger President Stephen L. Sanetti said, "While we are pleased to obtain yet another dismissal of these baseless and costly municipal lawsuits, their only genuine resolution will be the enactment of federal preemptive legislation to prevent the filing of such lawsuits arising out of the criminal misuse of lawfully sold, non-defective products.

Clearly, such legislation has widespread bipartisan popular support, and likely would have passed the U.S. Senate recently but for being loaded down with amendments that have nothing to do with its merits. On behalf of the many thousands of workers in this vital American manufacturing base, the many millions of our customers who use our products honorably and responsibly, and the taxpayers of our cities who should not be burdened with the costs of ill-advised political lawsuits, we urge the reconsideration and prompt enactment of the Protection of Lawful Commerce in Arms Act."

Because the case was dismissed with prejudice, Newark won't be allowed to file the lawsuit again.

Despite this victory, if these suits are allowed to continue unabated, the costs associated with defending itself--now estimated at \$150 million--will eventually bankrupt the industry, and thus preclude you from purchasing the means to exercise your Second Amendment rights. That is why NRA-ILA remains committed to enacting a federal lawsuit preemption law--a law that does not in any way compromise our Second Amendment rights.

### **AMBULANCE CHASING AFTER "ASSAULT WEAPONS"**

The Brady Campaign to Prevent Gun Violence has found a new target for its frivolous lawsuits--the United States Justice Department. The Brady Campaign claims the Clinton gun ban is being violated because manufacturers are being allowed by the government (under terms established during the Clinton administration) to replace receivers on pre-ban produced "grandfathered" guns. The law however does not prohibit the manufacturing of receivers or replacement receivers for grandfathered firearms.

Under the Brady Campaign's reasoning, it would be illegal to build a compliant post-ban semi-automatic firearm if it is built on a receiver manufactured after the ban, that could be configured as an "assault weapon." It is the accessories attached to the

receiver as a finished gun (a concept legally different from "firearm") that determines what is an "assault weapon," not the receiver standing alone. While federal law defines a receiver as a "firearm" for the application of federal law, an "assault weapon" is more than just a "firearm."

This frivolous lawsuit highlights one of the numerous reasons the Clinton gun ban makes no sense-- receivers on post-ban and pre-ban guns are exactly the same. The prohibited firearms were banned because of how they look, not how they function.

The lawsuit is about chasing headlines, not enforcing the nation's laws, and the taxpayer gets to foot the bills.

**Vol. 11, No. 12** **03/26/2004**

**SOUTH DAKOTA PROPOSES WORKING HOLIDAY HONORING GENERAL JOE FOSS**

The South Dakota Legislature recently approved a bill designating April 17 as a working holiday, in honor of former NRA President Joe Foss.

Joe Foss grew up near Sioux Falls, S.D. As an ace Marine fighter pilot in World War II, General Foss was credited with shooting down 26 enemy planes, and was a recipient of the Distinguished Flying Cross and Medal of Honor. Among his many extraordinary achievements, Foss was a founder of the South Dakota Air National Guard, a Representative in the South Dakota Legislature, the first Commissioner of the American Football League, and Governor of South Dakota.

As NRA Executive Vice President Wayne LaPierre said, "He was an ace fighter pilot, a state governor, a war hero, a TV star, a sports commissioner, a Christian leader, and a man beloved by all. And he was our president. General Foss defined heroism for servicemen since World War II. And for generations, he made American patriotism something to be proud of. He fought for what he believed in, and those causes are better for it."

*We congratulate the Foss family on this much deserved honor.*

**Vol. 11, No. 13** **04/2/2004**

**NRA-ILA GRASSROOTS ELECTION WORKSHOPS**

In preparation for the 2004 elections, NRA-ILA is hosting FREE Grassroots-Election Workshops across the country. These Workshops provide NRA members with training on what they can do locally to propel

pro-gun candidates to victory in 2004. The meetings also provide a venue for lawmakers, candidates, and their staffs to reach out to NRA members and explain their positions on our Right to Keep and Bear Arms.

Upcoming Workshops are slated for:

Pittsburgh, Pennsylvania ? 4/16/04  
(in conjunction with NRA's Annual Meetings)

South Portland, Maine ?5/1/04  
(see additional details under "A LOOK AT THE STATES")

Allentown, Pennsylvania?5/20/04

Reading, Pennsylvania?5/22/04

NRA members who are interested in attending should contact the NRA-ILA Grassroots Division at (800) 392-VOTE (8683) for details and to reserve their spots. NRA members who have access to the Internet can also go to [www.nra-ila.org/workshops/](http://www.nra-ila.org/workshops/) to reserve their spots on-line.