
Allegheny County Sportsmen's League Legislative Committee Report

February 2004 • Issue 112

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

Email Address: acsl@nauticom.net

ACSL Lawsuit against Pennsylvania State Police

We are still awaiting a response from the PA Supreme Court on rendering a decision in our case.

LEGISLATIVE ALERT! LEGISLATION ON THE MOVE IN HARRISBURG

It was reported last month that the following legislation may be considered by the full Pennsylvania House of Representatives, and that is still the case.

HB 2046

HB 2046 has passed the House of Representative on January 27, 2004 and has been referred to the Senate Judiciary committee. This bill will delete the social security number from being required to be on a license to carry. All members should contact his/her member of the Pennsylvania Senate and ask them to vote yes on this bill.

State Rep. Egolf to Introduce Pro-gun Legislation.

Representative Allan Egolf will introduce legislation shortly that will require that the Pennsylvania State Police pay any fees or charges associated with the return of stolen firearms to the rightful owner if the firearms were held as evidence.

According to Rep. Egolf, one of his constituents has a number of firearms stolen from his home. The police successfully captured the thieves and

recovered the stolen firearms. Most of the guns were immediately returned to the owner, but a few were kept for evidence. After the thieves were convicted, the owner was notified that he could retrieve the remaining firearms pursuant to the PSP newly enacted firearms return policy. Under this policy, the victim must go to a local gun dealer and pay a fee for a background check. If cleared, he can then retrieve his property. Never mind the fact a most of the gun were returned with out such a background check.

The bill that Rep. Egolf will introduce will require that the PSP pay for any fees or charges.

Tiahrt provision requires destruction of gun purchase records

LIBBY QUAIL
Associated Press

WASHINGTON - The government will destroy records on gun buyers after one day because of a provision Kansas Rep. Todd Tiahrt inserted into the spending bill that became law last week.

The length of time for keeping records will be shortened from 90 days to one day after a gun buyer passes a background check.

First proposed two years ago by Attorney General John Ashcroft two years ago, the change is a victory for gun rights advocates who argue that keeping the records is an invasion of privacy.

Gun control advocates say that destroying records immediately will handicap efforts to keep guns away from criminals and others who should not have them.

Tiahrt said that when Congress required background checks in the landmark Brady law, the intent was to destroy records at the earliest opportunity. The FBI check is meant to keep guns from being sold to felons, drug users and others barred from owning guns.

"For us law-abiding citizens, there is no need to have this database. It is a freedom issue. It is a privacy issue," Tiahrt said in an interview.

He argued that guns mistakenly sold to felons can still be traced through records that must be maintained by federally licensed firearm dealers.

"It's not that the records do not exist. If a crime is committed, they can still trace it back through the gun dealer," Tiahrt said.

Opponents of Tiahrt's provision say the records should be kept longer because there are delays in reporting domestic violence restraining orders and other prohibitions to owning guns to the National Instant Criminal Background Check system.

Tiahrt said chances are very low someone will slip through the system after one day.

"When you think about that out of 4 million transactions, a couple hundred were missed, we've got a pretty good system," he said. "When you look at weighing how retaining the records imposes on law-abiding private citizens, I think it's a small, negligible risk. There is no proof of any crime being committed by people that did have a firearm for some period of time when they shouldn't have had access to it."

Governor's advisory council to make debut

By [Bob Frve](#)
 TRIBUNE-REVIEW OUTDOORS EDITOR
 Sunday, January 25, 2004

As of tomorrow, Gov. Ed Rendell's Advisory Council for Fishing, Hunting and Conservation will officially be in place.

Rendell's staff has been crafting the council for several months. Robb Miller was appointed Rendell's sportsmen's advisor early last fall, and he said then he hoped to have the council together and meeting before the end of 2003.

That didn't happen.

Tomorrow, though, Rendell, Miller, the council appointees and others will meet for the first time at the Governor's mansion. Some business will be conducted, though the event will be more of a social gathering than anything, Miller said.

The idea is to let the council members get to know one another before they get down to business at a "brainstorming session" being planned for next month.

"We're hoping to meet in February," Miller said. "I don't see any reason why we can't."

Miller said the council is, by design, "very diverse." It includes representatives of hunting and fishing groups, boating organizations and groups like the Sierra Club and Audubon Society.

"A chasm has become evident between the sporting community and the broader conservation community," Miller said. "I know this Governor is very interested in mending that."

Miller would not identify the members of council before tomorrow, and a phone call to the Rendell's press office was not returned.

But according to several sources, the council appointees are Andrew Talento, Ed Grasavage, John Plowman, Jeff Mulhollem, Linda Steiner, Lowell Graybill, Michael Pruss, Ralph Saggiomo, Robert Ging, Robert Schlemmer, Thomas Kinney, Alan Krug, Timothy Schaeffer, Janet Nyce, Bernie Pauly, Carl Shaffer, Donald Chiapelli, Earl Lynn, Edward Mascharka, Keith Henderson, Louis Gilberti, Nicholas Goretski, Charles McPhedran, Patrick McGurk, and Robert Bachman.

Talento, of Pittsburgh, is president of the Pennsylvania Boating Association, and Grasavage is president of the Pennsylvania Chapter of the Quality Deer Management Association. Plowman represents the state's Hunters Sharing the Harvest program, Mulhollem is editor of Pennsylvania Outdoor News, Steiner is an outdoor writer and Graybill is president of the Pennsylvania Federation of Sportsmen's Clubs.

Pruss is Pheasant's Forever's Pennsylvania biologist and Saggiomo is president of the Unified Sportsmen of Pennsylvania. Ging is a Confluence attorney and former Ralph Abele Award winner, while Schlemmer is a Murrsville resident and one-time candidate for the Game Commission seat held by Roxane Palone.

Kinney is a Waynesburg archer, Krug is a former employee of the NRA Institute for Legislative Action,

Schaeffer works for the Pennsylvania Environmental Council, and Nyce is a Safari Club member.

Shaffer represents the Pennsylvania Farm Bureau and McPhedran is from PennFuture, an environmental advocacy group.

Miller hopes to have the council meet several times a year at sites around the state. A portion of each meeting would be open to the public.

"I am very hopeful of what we can accomplish," Miller said.

Group Formed to Oppose NRA Annual Meeting In April

A grassroots group has formed to oppose the NRA's Annual Meeting in Pittsburgh April 16-18, 2004. Calling itself the "Confluence Against Gun Violence" they are planning protest against the NRA claiming the NRA promotes violence, bigotry and racism. Their web site is www.GoodByeNRA.org

NRA-ILA Grassroots Alerts

Vol. 11, No. 1

01/09/2004

OHIO BECOMES 37TH RIGHT-TO-CARRY STATE!

After a decade-long effort, law-abiding citizens of Ohio will now be able to legally carry a firearm for protection of themselves and their loved ones. On January 8, Governor Bob Taft (R) signed legislation making Ohio the 37th Right-to-Carry (RTC) state.

The Right-to-Carry issue had long been debated in the Ohio Legislature, and many past attempts had been stalled or killed. HB 12, the RTC legislation, had languished for weeks while Governor Taft threatened a veto. But on January 7, the bill was passed in the House and Senate by overwhelming majorities and with virtually no debate, setting the stage for the Governor's historic signing.

"The Right-to-Carry is a proven crime deterrent and will benefit all law-abiding Ohioans," said NRA-ILA Executive Director Chris Cox. "On behalf of NRA's four million members, I would like to thank Governor Taft for signing Right-to-Carry into law. I would also like to recognize the support of Representative Jim Aslanides (R-94), the sponsor of the legislation, Speaker Larry Householder (R-91), Senate President Doug White (R-14), and all who voted for this important self-defense right. As always, the

grassroots activism of thousands of NRA members was fundamental in achieving victory."

Nearly two-thirds of Americans live in Right-to-Carry states. Despite ominous predictions by gun-ban groups, statistics show that states with Right-to-Carry laws have significantly less violent crime. According to the FBI, on average, Right-to-Carry states have a 24% lower violent crime rate than states without the self-protection law. In 2003, Right-to-Carry laws were enacted in New Mexico, Colorado, Minnesota, and Missouri.

Right To Carry VICTORY IN NEW MEXICO

In a tremendous victory for New Mexico's law-abiding citizens, the State Supreme Court ruled this week that the Right-to-Carry law is valid under the state constitution. The Court denied gun control advocates' petition to have the Act declared unconstitutional, and refused to issue a stay preventing the Department of Public Safety from implementing the law and issuing permits. The Court will provide a written opinion at a later date.

Vol. 11, No. 2

01/16/2004

WISCONSIN FIGHTS FOR RIGHT-TO-CARRY

As reported in the November 21, 2003, issue of the Grassroots Alert, despite the support of the majority of the legislature, rank and file police officers, and the people of Wisconsin, on November 18, Governor Jim Doyle (D) vetoed legislation that would allow law-abiding Wisconsin citizens the Right-to-Carry firearms for protection of themselves and their loved ones.

It is regrettable that Governor Doyle does not trust his law-abiding constituents with the right of self-defense. This is common sense legislation that requires mandatory training, a permit from the sheriff, and a criminal background check. Even polls by Right-to-Carry opponents reveal that a majority of Wisconsinites support this law.

Fortunately, the citizens of Wisconsin have one more opportunity to let their voices be heard on this vitally important issue. On January 21, the State Assembly and State Senate are scheduled to vote on the override of Governor Doyle's veto of the 2003 Personal Protection Act.

LEGAL VINDICATION REVISITED

In the December 5, 2003, edition of the Grassroots Alert, we reported on the case of NRA member Alan

Newsom, a seventh grade student in Virginia's Albemarle County Public School system. A lawsuit filed by the NRA Civil Rights Defense Fund on behalf of Newsom charged that the student's First Amendment rights were violated when his school banned him from wearing an NRA Youth Sports Shooting Camp T-shirt that he had received after attending an NRA-sponsored firearm safety camp.

On December 1, 2003, a unanimous decision by the U.S. Fourth Circuit Court of Appeals reversed a previous opinion by the U.S. District Court, and barred the Albemarle County school district from enforcing the dress code, which prohibits its students from wearing clothing portraying images of firearms. The Fourth Circuit found the Albemarle school dress code to be overly broad and likely unconstitutional under the First Amendment's protection of freedom of expression. It applied Supreme Court precedent in the landmark decision of *Tinker v. Des Moines School District* holding that "the dress code can be understood as reaching lawful, non-violent, and non-threatening symbols of not only popular, but important organizations and ideals."

To punctuate its findings, the Appeals Court noted that the code, as written, would prohibit clothing displaying the Virginia state seal, the musket-toting mascot of one of the counties own high schools, images showing support for our military troops abroad, and the crossed-sabers logo of the University of Virginia. The court stated, "Banning support for or affiliation with the myriad of organizations and institutions that include weapons (displayed in a nonviolent and non-threatening manner) in their insignia can hardly be deemed reasonably related to the maintenance of a safe or distraction-free school." The court concluded by stating "it is evident that the . . . Dress Code disfavors weapons, displayed in any manner and in any context, and potentially any messages about weapons. It excludes a broad range and scope of symbols, images, and political messages that are entirely legitimate and even laudatory."

Trying to regroup and recover from this defeat, the school system subsequently filed a petition for an en banc rehearing of the case before the Fourth Circuit. On January 6, that petition was denied, sustaining the Fourth Circuit's ruling that a Preliminary Injunction is warranted in the case.

This ruling bars the school district from enforcing its dress code as it relates to "non-violent, non-threatening and lawful images and messages related to weapons" pending a full trial on the merits.

STRANGE BEDFELLOWS?

The gun-ban group Americans for Gun Safety (AGS) last week announced that they had reached an agreement with Sports Authority retail sporting goods outlets to distribute AGS materials in company stores.

AGS may be desperate to attract publicity to their failing cause, but their announcement was met with surprise by the officials at Sports Authority responsible for the sale of firearms and ammunition. These officials later reported to industry contacts that any agreement reached with AGS was made by the previous management of Sports Authority and is no longer operative. However, at this time, NRA-ILA has not received a specific disavowal of the AGS announcement.

Rest assured that NRA-ILA will keep you apprised of any developments in this evolving story.

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01/23/2004

VOTERS' VIEWS ON FIREARM OWNERS' RIGHTS AND HUNTING

The highly respected research firm Zogby International has conducted the first installment of its 2004 Zogby Values Poll, surveying 1,200 voters nationwide on issues that included firearms and hunting. Working with the Tower Center for Political Studies at Southern Methodist University and the O'Leary Report, Zogby's questions interestingly examine differences in thinking between people living in the states that voted for George Bush in 2000 (Red states) and Al Gore (Blue states).

Voters were asked: "Do you agree or disagree that American firearm manufacturers who sell a legal product that is not defective should be allowed to be sued if a criminal uses their products in a crime?"

Voters in both Red and Blue states strongly oppose such lawsuits?74% of the former and 72% of the latter. In fact, a majority in every demographic group opposed the lawsuits; the most strongly opposed, at 83%, were current members of the military and their families.

The survey also examined how Americans feel about Right-to-Carry laws, with the pollster asking: "Currently 36 states have laws that allow residents to qualify for a permit to carry a firearm to protect themselves if they pass a background check, if they participate in firearms training and pay a fee to

cover administrative costs. Do you feel this is a good law or a bad law?"

Voters overwhelmingly favor these self-protection laws by a margin of 79% to 18%. Right-to-Carry drew better than 70% support in every demographic group, with even non-gun owners indicating their backing by 73% to 23%.

The survey also asked: "Which of the following two statements regarding gun control comes closer to your own opinion? Statement A: There needs to be new and tougher gun control legislation to help in the fight against gun crime; Statement B: There are enough laws on the books. What is needed is better enforcement of current laws regarding gun control."

By a better than two-to-one margin?66% to 31% voters nationwide agreed with Statement B. Only self-identified liberals called for more laws, by a 53% to 44% margin. Moderates solidly favored better enforcement, 62% to 34%.

Voters were asked: "Do you agree the NRA is right to fight gun control on both the federal and state levels?" NRA's support stood at 64%, with a party affiliation breakdown showing Democrats siding with NRA 54% to 42%, and Republicans 73% to 22%.

Voters were also asked about hunting: "Which of the follow statements comes closer to your opinion? Statement A: Killing wild animals for food or sport is an American tradition and an essential part of wildlife management. Statement B: Hunting is a cruel sport and should be outlawed." Statement A was chosen by of 92% of gun owners and 73% of non-gun owners.

The survey also addressed wildlife overpopulation, asking: "Some states in America are being overrun with growing populations of deer, bear, or wolves. When this happens, which of the following do you feel is the best option to take? 1) The state should lengthen hunting seasons; 2) Non-lethal methods of control should be used; 3) People should learn to live with wildlife."

Lengthening hunting seasons was the overwhelming response, chosen by 61% of the voters, while only 18% said use non-lethal methods, and 16% opted for coexistence.

The entire 2004 Zogby Values Poll can be found at www.olearyreport.com

WISCONSIN SENATE OVERRIDES RIGHT-TO-CARRY VETO

As reported in last week's issue of the Grassroots Alert, despite the support of the majority of the legislature, rank-and-file police officers, and the people of Wisconsin, on November 18, Governor Jim Doyle (D) vetoed legislation that would allow law-abiding Wisconsin citizens the Right-to-Carry firearms for protection of themselves and their loved ones.

It is regrettable that Governor Doyle does not trust his law-abiding constituents with the right of self-defense. This is common sense legislation that requires mandatory training, a permit from the sheriff, and a criminal background check. Even polls by Right-to-Carry opponents reveal that a majority of Wisconsinites support this law.

Fortunately, the citizens of Wisconsin can still let their voices be heard on this vitally important issue. On January 22, the State Senate voted to override Governor Doyle's veto of the 2003 Personal Protection Act. At press time, the State Assembly vote is still pending, but is expected as early as next Tuesday. It is therefore crucial that Wisconsin residents contact their Representatives and respectfully urge them to vote to override the Governor's veto. You can find contact information for your Legislators by using the "[Write your Representatives](#)" feature at www.NRAILA.org

Vol. 11, No. 4

01/30/2004

WISCONSIN FIGHT TO OVERRIDE VETO CONTINUES

As we reported last week, despite the support of the majority of the legislature, rank-and-file police officers, and the people of Wisconsin, on November 18, Governor Jim Doyle (D) vetoed legislation that would allow law-abiding Wisconsin citizens the Right-to-Carry firearms to protect themselves and their loved ones.

Regrettably, Governor Doyle does not trust his law-abiding constituents with the right of self-defense. The Right-to-Carry legislation requires mandatory training, a permit from the sheriff, and a criminal background check. Even polls by Right-to-Carry opponents reveal that a majority of Wisconsinites support this law.

Fortunately, the citizens of Wisconsin have one final opportunity to let their voices be heard on this vitally

important issue. On February 3, the State Assembly will vote on whether to override Governor Doyle's veto of the 2003 Personal Protection Act. The State Senate overrode the veto on January 22, so this is the last chance for Wisconsinites to influence this vote. At this critical time, it is more important than ever that Wisconsin residents contact their Representatives and ask them to do everything in their power to ensure the override of Governor Doyle's veto. In particular, there are two lawmakers who have not committed to the override? Representative Gary Sherman (D-74), and Representative Amy Sue Vruwink (D-70). It is crucial that you contact these lawmakers, in addition to your own, and urge them to vote to override the Governor's veto. You can contact Rep. Sherman at (608) 266-7690, or toll free at (888) 534-0074. Rep. Vruwink can be reached at (608) 266-8366, or toll free at (888) 534-0070.

REDUCING CRIME THROUGH PROSECUTIONS

In a January 29 story in the Deseret Morning News, Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) opined that new Justice Department figures support the notion that the best way to fight gun-related violent crime is not to ban guns, but to prosecute criminals. Recently released Justice Department data show that, under the Bush Administration, as federal prosecution of gun crimes increased 68 percent from three years ago, violent crimes dropped by 21 percent.

Commenting on the findings, Senator Hatch said, "Our law enforcement's tough-on-crime approach parallels what I have always advocated: protect the rights of law-abiding citizens to keep and bear arms and strictly enforce our gun laws." Senator Hatch went on to say that, "Because of the stepped-up prosecutions, there were approximately 130,000 fewer victims of gun crime and over 980,000 fewer violent crimes in 2001-02 than there were in 1999-2000. Enacting and vigorously enforcing stiff penalties for those who commit crimes with guns deters violent crime."

Hatch added, "This reduction in gun violence is a direct result of the nationwide implementation of Project Safe Neighborhoods. In Utah alone last year, over 400 violent individuals were indicted under federal gun laws."

OMNIBUS UPDATE

The U.S. Senate recently passed the fiscal year 2004 omnibus appropriations bill. The bill actually consists of seven unfinished spending bills grouped together, containing literally thousands of separate provisions.

Included in this massive bill is a provision that requires the destruction of approved federal gun background check records within 24 hours, as opposed to the current retention period of up to 90 days. This provision applies only to the records of individuals who have already been cleared through the National Instant Check System (NICS), and does not include applicants whose background check indicates a disqualification.

The measure was passed by the U.S. House of Representatives on December 8, 2003.

Vol. 11, No. 5

02/06/2004

BETRAYAL IN WISCONSIN: FIGHT TO OVERRIDE VETO FAILS BY ONE VOTE

For the second consecutive year, a single lawmaker denied the law-abiding citizens of Wisconsin the same essential right to self-defense enjoyed by the citizens of 37 other states, including the neighboring states of Minnesota and Michigan. On Tuesday, February 3, the State Assembly, by a vote of 65-34, failed to override Governor Jim Doyle's (D) veto of the 2003 Personal Protection Act (PPA). The vote was one short of the 66 required for an override. In January, the State Senate overrode the veto by a vote of 23-10. The shall issue Right-to-Carry bill would have allowed trained, law-abiding citizens who paid a fee, passed a background check, and obtained a permit from the county sheriff, to carry a concealed firearm for self-defense.

Last year it was then-Senate Majority Leader Chuck Chvala (D-16) who ignored Senate Rules by single-handedly ending the legislative session two days early in order to block the PPA from receiving a final vote on the Senate floor. This desperate action was not surprising in light of the Senator's belief that handgun possession should be a privilege reserved solely for government officials.

This year it was Representative Gary Sherman (D-74) who prevented the PPA from becoming law by changing his position at the last minute and voting to sustain the Governor's veto. As one of only two Democrats who cosponsored the legislation, Sherman chose partisan politics over the right of citizens to defend themselves from violent criminals. He decided to back his misguided, anti-gun Governor rather than side with the good citizens of Wisconsin.

Here is what Representative Sherman said in a commentary in the November 6, 2003, edition of the Ashland Daily Press: "I have made no secret of my

support for this proposal throughout the past six years. In my very first assembly campaign in 1998, I made my support for concealed carry clear and I have not changed my position.... People who are unconcerned about obeying the law are not deterred from carrying concealed weapons now.... As things stand now, only those of us who are determined to obey the law cannot carry concealed weapons. These permitting laws exist in 45 of our 50 states. Based upon this extensive experience, there is no evidence that issuing permits to properly trained people, who have been carefully checked to see if there is some reason why they should not be trusted with a firearm, will increase the risk of gun violence for the rest of us. In the absence of such evidence, there is no compelling reason why such people should be denied the privilege of doing so. In America, it is not necessary to prove the opposite, that there is a compelling reason for doing so. The mere absence of a compelling reason for limiting people's liberty is enough."

Evidently, Representative Sherman's blind devotion to his Governor became his "compelling reason for limiting people's liberty." It is these lawful citizens who will suffer from the safer working environment afforded the violent criminals in Wisconsin.

One Wisconsin rape survivor who has been a powerful, articulate proponent of the PPA from the beginning asked after Sherman's vote, "How can he do it? How can he change his vote? What's going to happen if I'm attacked again and I can't do anything about it?"

The fight, however, is far from over. NRA and other proponents of the Personal Protection Act will not stop until violent criminals are forced to think twice before deciding to attack their victims. In many respects, this year's fight was a success. According to polls conducted by PPA opponents, the majority of Wisconsinites have been educated to the point of supporting Right-to-Carry. A full two-thirds of the 132 members of the State Legislature voted for the override of the Governor's veto. The momentum behind the PPA will continue to build until Wisconsin joins the vast majority of states by enacting Right-to-Carry.

RENEW SUPPORT FOR S. 659/S. 1806

With the new year upon us, we must renew our aggressive support of [S. 659/S. 1806](#), the "Protection of Lawful Commerce in Arms Act."

The House version of this bill? H.R. 1036? was passed last April by an overwhelming vote of 285-140, and has the support of the White House. Yet, despite

assurances of a timely vote and broad bipartisan support, S. 659/S. 1806 became stalled in the Senate late last year. The good news is, we are now anticipating a Senate vote on the measure as soon as early March. Thanks to the dedicated grassroots efforts of millions of NRA members and gun owners across the country, S. 659/S. 1806 currently has 55 cosponsors, more than enough to pass the measure. However, we need 60 votes to derail the filibuster that the likes of Senators John Kerry (D-Mass.), Frank Lautenberg (D-N.J.), Ted Kennedy (D-Mass.), Charles Schumer (D-N.Y.), Hillary Clinton (D-N.Y.), and Dianne Feinstein (D-Calif.) are almost certain to attempt. We can also expect these gun-banners to try and load the legislation with numerous anti-gun amendments, including [S. 1034](#)?the Clinton gun ban extension, and S. 1807?the so called Gun Show Loophole Closing Act of 2003. It is therefore imperative the you contact your Senators immediately and tell them it's time to stop playing politics with the Second Amendment. Urge them to fully support S. 659/S. 1806 without any anti-gun amendments! Ask them to do everything in their power to end these meritless lawsuits and ensure that this essential legislation is approved as written. Tell them it's timeto pass S.659/S. 1806! Make no mistake?with your help, we will win this fight and see this critical legislation signed into law.

In addition, please continue to urge your U.S. Representative and Senators to oppose current legislation seeking to expand the 1994 Clinton gunban? [H.R. 2038](#), S. 1431, and the aforementioned [S. 1034](#). You can find contact information for your elected officials by using the "[Write Your Representatives](#)" feature at www.NRAILA.org, or you can call your U.S. Senators at (202) 224-3121 and your U.S. Representative at (202) 225-3121.