
Allegheny County Sportsmen's League Legislative Committee Report

March 2002 ▼ Issue 89

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

Email Address: acsl@nauticom.net

ACSL Lawsuit against the PSP Registry of Firearm Ownership.

The Legislative Committee is currently putting together a package to send to the NRA Firearms Civil Right Legal Defense Fund Committee of the NRA Board of Directors and request NRA financial support for our appeal to the Supreme Court.

Firearm Background Check Advisory Committee Meets.

As reported last year, the Firearms Background Check Advisory Committee of the Pennsylvania General Assembly has finally met officially for the first time since it was re-established in November of 2000. The purpose of the meeting was to receive a preliminary report on the Administration of the Pennsylvania Uniform Firearms Act by the Pennsylvania State Police.

The report, entitled "Pennsylvania Instant Check System (PICS) Oversight Committee Staff Information Report", was prepared by Dr. Alan S. Krug, who the Pittsburgh Tribune Review reported that even though he is retired from the NRA he is still a registered lobbyist for the NRA.

The Trib also reported that "State House records show Krug was paid \$1,000 a month last year for professional services from a leadership fund controlled by state House majority Leader John Perzel, a Philadelphia Republican. The fund is an \$11 million general purpose expense account for Republican Caucus." What the paper failed to report was that the Committee was first established in 1995 under Act 17. During Governor Tom Ridge's term as Governor he refused to fund the Committee. It wasn't until State Representative Merille Phillips pressured John

Perzel for funding that the committee eventually got off the ground.

NRA miss-played this opportunity to use this forum to place before this Committee the problems with the PICS. Had NRA agreed to do the report for free by paying Dr. Krug if necessary, it would have avoided the negative publicity.

Anti-gun legislators were quick to respond that NRA was given unfair advantage in writing the report, not to mention a special interest group getting paid by the tax payer money to write the report.

There are problems with the report beyond the politics. The report is not well done because it does not effectively cover all of the problem with the State Police's administration of the PICS. While it is still in draft form Dr. Krug did very little to advance the cause for changes in Pennsylvania Gun Laws that should have been made in this report.

Among the issues that the report does not adequately address is the PSP gun registry, and the problems with reciprocity the issue with reciprocity is not even mentioned.

The ACSL obtained a copy of the report from the Chairman of the Committee, Brian Grove of the Governor's office. At the meeting both Rep. Ed Staback and Phillips requested that the ACSL be invited to testify on the report. A letter from Ed Staback has been sent to Brian Grove making the request official. In our request for the report from Mr. Gove, he told the ACSL that hearings would be held sometime in April.

The ACSL Legislative Committee is studying the report and a copy will be given to our attorney.

Democratic Candidates for Governor to Hold Meetings With the ACSL and FOAC

Auditor General Bob Casey's staff will be holding a meeting with officers of the ACSL and FOAC regarding his position firearms issues in Harrisburg, hopefully this Month.

FOAC met with the Ed Rendell campaign on Friday March 8 here in Pittsburgh to discuss their position on firearm issues. The meeting with the Rendell campaign outlined the problems with Ed Rendell's position on the gun issue, and a future meeting has been suggested.

This is an opportunity for gun owners and sportsmen to address our issues at the highest echelons of these campaigns and to educate future policy makers on the facts.

Watch for continuing coverage on Elections 2002 on the FOAC web sit in the near future
www.foac-pac.org

Legislators Agree with ACSL On HB 2275

HB 2275 was introduced by Rep. Robert W. Godshall on January 14, 2002. Because of the problems with HB 2275 a number of co-sponsor have pulled their names from this bill. They include Ted Harhai, Mike Turzi.

The first problem with the bill is that it weakens the state law that prohibits local regulation of firearms. If a court would order a forfeited firearm to be sold to a gun dealer, the county commissioners could adopt a written policy disapproving the sale of forfeited firearms.

It also added that any violation of any law that firearm must be forfeited. That means that anyone with a minor misdemeanor could be required to forfeit all of their firearms under this bill.

House Bill 2386 Introduced by Rep. Daryl Metcalfe

This bill is the product of months of work by the legislative committee and several legislators to draft changes to the law so as to accelerate the interstate agreements for Concealed Carry license recognition.

To date the Attorney General has only been successful in obtaining 2 reciprocal agreements - Kentucky and Florida. If you compare this to states like Kentucky, which has 18 agreements, Florida that has 18 agreements, and Alabama that has 10 agreements, Pennsylvania is lagging far behind.

The problem is our current statute. General Fisher has expressed his frustrations regarding his in-ability to enter into additional agreements because of the differences in other state laws. One of the more glaring problems that has surfaced is the inability of Pennsylvania to provide for a 24 hours a day/7 days a week phone number that out of state law enforcement can call to verify the validity of a Pennsylvania license. This stipulation is required in a number of other state statutes and most agreements. The state of Virginia has approached Pennsylvania to enter into a reciprocal agreement, however, General Fisher has not been able to reconcile that agreement since he has no means by which Pennsylvania can provide a 24/7 phone number to validate a Pennsylvania License. By working closely with Rep. Metcalfe the ACSL has drafted language that resolves this problem.

In January of this year we met with Attorney General Fisher, and his staff, to discuss the problems in drafting reciprocal agreements, and our proposal to change state law. After much discussion General Fisher agreed that our plan was a good solution to the AG's problem of getting additional agreements and he encouraged us to proceed with this legislative remedy. A review of the bill is available on the ACSL web site.

Gun Owner Prosecuted for Stopping at Sisters House

On March 11th, Bob Nagle was in Allegheny County Court to answer charges of violating Title 18 §6106 of PA law, which is the carrying of a firearm without a license is prohibited. His crime was coming from Reloaders Outlet with his unloaded handgun wrapped up and secured in his locked console of his Ford Explorer SUV and stopping to care for his disabled sister on his way home. Mr. Nagle had the misfortune to be stopped by police for a traffic stop and when asked where he was coming from he told them and he told them he had a firearm in the truck. This is all it took for him to be arrested and placed at risk of losing his guns and

his rights FOREVER! The lightest possible charge for violation of this law is a Misdemeanor 1.

This law 'only' allows an individual without a CCW license to transport his firearms to one of four places.

1. From his/her home to the range and back.
2. From his/her home to the gun dealer and back
3. From his/her home to a recreation home and back
4. From his/her home to a gun turn in point and back

There are NO exceptions to this other than for an individual who is actively hunting. **This law does NOT allow ANY stops!** Not for gas, not for food, not to go to the bathroom, not to pick up milk at the local store.

Once in court the Allegheny County District Attorney's office refused to budge on this law even though Mr. Nagle had a virtually blemish free record. The prosecuting ADA was Henry DiSilva and he thought, and said in front of me, that he was offering the 'deal' of the century to Mr. Nagle.

Due to the likelihood that the Judge (Million Mom supporter Manning) would sentence Mr. Nagle to prison if he challenged the law with a jury trial, Nagle elected to take the plea bargain of probation and pled guilty to a baseless charge. If the mafia conducted this type of action it is called 'extortion' but in court, when done by authorities, it is called JUSTICE.

This case should cause every gun owner to recognize the liabilities in the law and act to protect him or herself from unnecessary prosecution. These are the kinds of traps that continue to remain in the Uniform Firearms Act (Act 17) that we work so hard to correct.

NRA-ILA FAX Alert

Vol. 9, No. 7

2/15/02

HOUSE ABANDONS FREE SPEECH

After more than 15 hours of intense, often rancorous debate, the U.S. House of Representatives passed H.R. 2356 -- the Shays-Meehan Campaign Finance "Reform" bill -- on a vote of 240-189.

This legislation now moves back to the U.S. Senate, which passed its own version of "reform" (S. 27) last year. If the Senate accepts H.R. 2356 as is, it will be sent straight to the White House. The two bills are slightly different, however, and if the Senate does not pass the House package, then both bills will likely

be sent to a House-Senate Conference Committee to iron out the differences.

One thing both bills do have in common, though, is that they represent a direct attack on the First Amendment! Should either package become law, the voice of NRA and our 4.3 million members would be silenced during critical election periods. Both bills have First Amendment "blackout" provisions that would strictly regulate communication that "refers to" a federal candidate 30 days before a primary and 60 days before a general election. Any such communication would be prohibited unless the funds were to come from a segregated account to which individuals donate for that purpose. Both bills also stipulate that the names of all donors (i.e., NRA members), whose donations are above a certain limit, would be made public -- a clear violation of the privacy rights of our members who contribute to NRA's political efforts.

While NRA opposed the passage of H.R. 2356, our efforts to protect our ability to promote our pro-Second Amendment message also included supporting an amendment offered by U.S. Representative Chip Pickering (R-Miss.). The Pickering Amendment would have protected the free speech of those wishing to communicate for or against issues pertaining to the Second Amendment by defending Second Amendment discussion from the free speech restrictions of H.R. 2356, but it narrowly failed on a 209-219 vote. Please go to <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=24> to find out how your Representative voted on this NRA-backed amendment, and contact him to thank him if he supported the Pickering Amendment, or to note your displeasure if he did not. If you are not sure who your U.S. Representative is, or to find contact information for any of your federal lawmakers, use the "Write Your Reps" feature at www.NRAILA.org.

As for the overall bill (H.R. 2356), to find out how your Representative voted on this anti-First Amendment bill, please go to <http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=34>. And again, be sure to communicate your sentiments accordingly to your Representative based on his vote on this anti-freedom measure.

The Senate now prepares to take up this debate yet again, although a strategy to defeat this onerous proposal has yet to crystallize. Rest assured NRA is monitoring this situation closely, and will call on the pro-gun community to help defeat this proposal if the opportunity arises. In the meantime, please be sure to contact your U.S. Senators to express your opposition to this bill. The "Write Your Reps" feature will assist you in contacting your Senators.

While the final outcome of this legislation is unknown, NRA is committed to its defeat, and if need be, will fight this assault on free speech all the way to the Supreme Court of the United States.

ASHCROFT TARGETS ILLEGAL ALIENS -- PROTECTS LAW-ABIDING GUN PURCHASERS

On Wednesday, U.S. Attorney General John Ashcroft announced a number of new steps that will be taken to improve the efficiency

of the National Instant Check System (NICS). Designed under the guidance of the Clinton-Gore Administration, the system contains serious flaws. Ashcroft's first step was to instruct the FBI and the Immigration and Naturalization Services (INS) to use immigration records to check if a potential firearm purchaser is in the country illegally, and thus prohibited from purchasing or possessing a firearm.

The second step involved improving the efficiency of NICS to increase the percentage of immediate and final responses -- either "proceed" or "deny" -- on record checks, which would help to greatly diminish the number of "delay" responses that plague the system and keep law-abiding gun purchasers from taking possession of firearms.

The third step AG Ashcroft took was to promote state initiatives to update and automate their criminal history files, and he committed \$141 million over the next three years to this effort.

While taking questions from the media, Ashcroft also reiterated his intent to uphold federal laws that forbid using records on transfers that are not denied through NICS for anything other than auditing the system.

In addition to announcing these steps to improve the operation of NICS, AG Ashcroft also announced the Justice Department would undertake a new initiative called Project Sentry, which is designed to ensure America's children are safe from violent crime involving firearms while attending school.

NRA applauds AG Ashcroft for working to correct the flaws with NICS, and for reaffirming his commitment to ensuring the NICS system is not abused by those who would like to see it turned into a mechanism to implement an illegal registration scheme.

GEORGIA APPELLATE COURT DUMPS ATLANTA'S RECKLESS SUIT

The Court of Appeals of Georgia unanimously rejected the City of Atlanta's reckless lawsuit against the firearms industry, ruling not only that state law preempted the suit, but that Atlanta's case had not "pointed to any instance of unlawful conduct by the gun manufacturers."

Presiding Judge Gary Blaylock Andrews, who wrote the opinion, found that the regulation of firearms is properly an issue of statewide concern and that Atlanta's suit sought "to punish conduct which the State, through its regulations and statutory scheme, expressly allows and licenses." In dismissing the case, Judge Andrews noted the "legislature's clear directive that municipalities may not attempt to regulate the gun industry" and that the city's suit was an improper attempt to usurp that power from the legislature.

Lawrence G. Keane, vice president and general counsel for the National Shooting Sports Foundation, the firearms industry's major trade association, commented, "Every appellate court to decide a municipal suit against the firearms industry has ruled in our favor. We urge those mayors that have sued our industry to redirect their priorities and to emphasize cooperation with our industry rather than confrontation."

RECKLESS LAWSUIT PREEMPTION BILL GAINING SUPPORT IN THE HOUSE

H.R. 2037 -- the bill introduced by U.S. Representatives Cliff Stearns (R-Fla.) and Chris John (D-La.) that would shield the firearm industry from politically motivated lawsuits seeking to hold gun makers liable for the criminal misuse of their products -- is making headway in the U.S. House of Representatives. The bill now has 210 co-sponsors only -- eight short of a straight majority that should ensure passage of this critical legislative remedy to the anti-gun lobby's flagrant abuse of our legal system.

The following 18 House members are considered possible co-sponsors, and NRA members in their districts are urged to contact them and request their support. Michael Bilirakis (R-Fla.), Leonard Boswell (D-Iowa), Nathan Deal (R-Ga.), Jennifer Dunn (R-Wash.), Mark Foley (R-Fla.), Porter Goss (R-Fla.), Kay Granger (R-Tex.), Mark Green (R-Wisc.), Baron Hill (D-Ind.), Jim Kolbe (R-Ariz.), Steve LaTourette (R-Ohio), Dan Miller (R-Fla.), Thomas Petri (R-Wisc.), Deborah Pryce (R-Ohio), Ralph Regula (R-Ohio), Harold Rogers (R-Ky.), Nick Smith (R-Mich.), and Jerry Weller (R-Ill.). To check to see if any of these lawmakers represent you, or to find contact information for them, those on the Internet can the "Write your Reps" tool at www.NRAILA.org.

HSSHF PRESENTS ILA WITH AWARD

The 2002 Shooting, Hunting, Outdoor Trade Show and Conference (S.H.O.T. Show) the world's premier exposition of firearms, ammunition, archery, cutlery, outdoor apparel, optics, camping, and related products and services was held February 2-5 in Las Vegas, Nev., and this year's event was the second best attended show ever. NRA representatives attend the show every year, and this year NRA-ILA was honored to be presented the new "Noblest Sport Award" by the Hunting and Shooting Sports Heritage Foundation (HSSHF), which stated:

"In recognition and grateful appreciation of an exemplary defense of our firearms freedoms through the passage, in a majority of states, of historic legislation barring reckless litigation against the firearms industry."

Bob Delfay, the President and CEO of the HSSHF, gave the award to NRA-ILA Executive Director James Jay Baker, who thanked NRA-ILA Deputy Executive Director Patrick O'Malley, NRA-ILA State & Local Affairs Director Randy Kozuch, the entire NRA-ILA staff, and NRA's 4.3 million members for their efforts in passing reckless lawsuit preemption legislation in 27 states.

NRA WELCOMES NEW DIRECTOR OF USF&WS

Steven A. Williams, who has a long history of supporting our hunting and shooting sports traditions, has been confirmed by the

U.S. Senate as the new Director of the U.S. Fish & Wildlife Service (USF&WS). Williams, who formerly served as the head of the Kansas Dept. of Wildlife and Parks, has aggressively sought increased federal funding for state conservation efforts, and has been involved in developing outreach programs to boost participation in hunting through the recruitment of new participants and the retention of veteran hunters. He also helped establish (and chaired) the Hunting/Shooting Sports Participation Committee of the International Association of Fish and Wildlife Agencies. The confirmation of Steven Williams means that hunters and other sportsmen will once again be treated as partners by the USF&WS. This represents a stark contrast to the cold-shoulder treatment received by hunters and outdoorsmen under the Clinton-Gore Administration's USF&WS directors, who seemed solely interested in hearing from environmental extremists.

ALERT FOR VISITING SHOOTERS, HUNTERS AND RELATED BUSINESSPEOPLE

The Bureau of Alcohol, Tobacco and Firearms (BATF) has announced restrictive new rules on possession of firearms by visitors to the United States. The new rules implement a 1998 law that prohibits possession or purchase of firearms by most non-immigrant aliens such as tourists, students, and temporary workers. There are exemptions for licensed hunters, law enforcement officers on official business, and certain other foreign officials. However, when the rules go into effect on February 19, 2002, all foreign visitors (other than law enforcement officers and foreign government officials) seeking to bring a firearm into the United States will be required to apply for an import permit from BATF's Imports Branch. Because approval of import permits can take several months, anyone planning to visit the United States to shoot, hunt, or attend sporting trade shows should contact BATF's Imports Branch immediately to ask about this procedure. You may call the Imports Branch at (202) 927-8320.

To read the new rules, see pages 5422-5429 of the Federal Register for Tuesday, February 5, available online at <http://www.atf.treas.gov/regulations/td471.pdf>.

While the rules are going into effect on a "temporary" basis in less than two weeks, they are also subject to a public comment period, so please make known your views on this issue. Make sure your comments refer to "Notice No. 935" and that they are received at BATF on or before May 6, 2002. Your signed comments, up to three pages long, may be sent by fax to: (202)-927-8602. Comments may also be e-mailed to: nprm@atfhq.atf.treas.gov. E-mailed comments must contain your name, mailing address, and e-mail address, and must be no more than three pages long when printed. More detailed comments may be mailed to:

Chief, Regulations Division
Bureau of Alcohol, Tobacco and Firearms
P.O. Box 50221
Washington, DC 20091-0221

Attn: Notice No. 935

The National Rifle Association of America will work with the Administration and the Congress in an effort to ensure that the implementation of this law does not burden law-abiding visitors to the U.S. and the businesses that depend on them. If your visit to the United States is obstructed by these new regulations, please contact the NRA's Office of Legislative Counsel at (703) 267-1160.

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BATF's FORM 4473 BUNGLE

When the Bureau of Alcohol, Tobacco and Firearms (BATF) decided that it needed to change the forms individuals must fill out when they purchase a firearm from a Federal Firearms Licensee (FFL), nobody anticipated that nearly five months would not be enough time to ensure the new forms would be ready and made available to FFLs. But that seems to be exactly what happened this week. And because of BATF's failure to ensure licensed dealers were supplied with the mandated new forms, countless law-abiding citizens have been unable to exercise their constitutionally-protected right to arms this week, and countless law-abiding FFLs have lost immeasurable numbers of sales due to an inability to conduct their business. By virtue of a bureaucratic bungle that might be laughable if its ramifications did not carry such serious consequences, prospective gun purchasers experienced a virtual national ban on firearm transfers this week.

The problem with the forms-referred to as Form 4473-began in October 2001, when BATF decided some relatively minor changes were required. The changes dealt predominantly with being able to better determine whether or not a non-citizen who wished to purchase a firearm is prohibited from doing so. This, along with Attorney General Ashcroft's decision last week to utilize Immigration and Naturalization Service's (INS) records for firearm transfers subject to a National Instant Check System (NICS) check (see last week's FAX Alert), would help to correct a glaring flaw in the design and implementation of NICS that was ignored by the Clinton-Gore-Reno Department of Justice (DOJ). These changes were intended to ensure anyone in the U.S. illegally would be rejected if he attempted to purchase a firearm from an FFL. But when BATF failed to deliver the forms by February 19, 2002-a deadline the agency set for itself-what resulted was confusion, frustration, and a near total cessation in the legal, retail transfer of firearms across the country. The forms FFLs had prior to February 19 became useless that day, and firearm dealers suddenly discovered they could not transfer firearms to law-abiding purchasers. And while it is still unclear exactly why BATF was unable to supply FFLs with the proper new forms in time, even more unsettling is why BATF was unable to identify the fact that it would not meet its own deadline, and then implement measures to ensure the problems gun purchasers and gun dealers experienced this week did not occur. BATF officials even went so far as to assure NRA staff during the

SHOT Show earlier this month that it would meet the deadline to deliver the new forms.

But the failure to deliver the forms, and the failure to identify this problem as the deadline approached, aren't the only problems. Once dealers discovered they could not use the old forms, and new forms were not available, BATF's "solutions" created even greater confusion. FFLs have been told for years that they may not use photocopies of a Form 4473. But these same dealers were told this week that they would either be faxed a "temporary" copy of the new form, or they could print one off the BATF's website, and then photocopy as many as they needed until BATF could deliver the actual forms. And to make matters worse, the "temporary" forms are identified by a number that has confused many dealers into thinking they can use their old forms.

Rest assured that NRA has weighed in at the appropriate levels of the Bush Administration and with members of the U.S. House Treasury, Postal, and General Government Subcommittee, which has scheduled a hearing for BATF. Be sure to contact your federal lawmakers to express your outrage over the problems created by BATF's inability to meet its own deadlines. You can reach your U.S. Senators by calling (202) 224-3121, and your U.S. Representative by calling (202) 225-3121. For additional contact information, use the "Write Your Reps" tool at www.NRAILA.org.

In the meantime, BATF states that retailers can now download the new Form 4473 from the BATF's website, and they have temporary approval to use photocopies of the form-identified as the "10/2001 version of the original ATF Form 4473 Part I, including instructions,"-until such time as a supply of original forms is received, or until April 20, 2002, whichever occurs first.

When using a photocopy of the new 4473, dealers must provide their nonlicensed firearms customers with both the form and its instructions while they complete the form. The completed forms and instruction sheets must be retained in dealers' records for the time period specified in 27 CFR 178.129. To download the new form go to <http://www.atf.treas.gov/forms/4473instruction.htm>.

NEXT STEP IN ATTACK ON PRIVATE TRANSFERS

It has always been clear to the pro-Second Amendment community that the attacks on gun shows are merely the first step in an orchestrated effort to outlaw all private transfers of firearms-including those between close friends, neighbors, or even relatives-and impose a national firearm licensing and registration scheme. A small group of state-level anti-gun organizations held a press conference on Thursday to publicly announce the next phase in this campaign. The group calls itself the "National Campaign to Close the Newspaper Gun Ad Loophole," and seeks to bring an end to law-abiding citizens using newspaper ads to legally sell their lawful property-firearms.

This coalition masquerades as a "grassroots" movement, although it is actually a handful of affiliates of the gun-ban lobby formerly

known as HCI, and is little more than a collection of anti-gun extremists that receives funding from, and aligns themselves with, national anti-gun organizations. NRA will closely monitor the development of this campaign, and we will be sure to report any significant developments. The coalition's timing is certainly interesting, as their effort to curtail the private transfer of firearms occurred at the same time BATF was curtailing transfers through FFLs.

H&R BLOCK UNDER ATTACK FOR DOING BUSINESS WITH LAW-ABIDING GUN OWNERS

NRA, the nation's largest pro-Second Amendment organization, and H&R Block, the nation's largest tax preparation service, recently announced a program that will benefit both-and this has led to a small anti-gun organization to call on its supporters to protest this union. NRA will receive a royalty for endorsing the H&R Block program and promoting it among its members. This agreement has upset the anti-gun extremists at the group that calls itself Gun Industry Watch, a small "student network" that is opposed to firearm manufacturers and their lawful products. Now the group is urging its supporters to threaten to boycott H&R Block, and has even asked some to conduct a protest at one H&R Block office in Washington, D.C. If you wish to tell H&R Block you support its decision to work with NRA, or if you need to locate the nearest H&R Block office so that they can do your taxes, please call 1-800-HRBLOCK (472-5625). You can also send a message of support via the Internet, using H&R Block's online comment form at http://www.hrblock.com/customer_support/submit_a_question.jsp.

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BATF OVERSIGHT HEARING RE-CAP

On Thursday, the House Appropriations Committee Subcommittee on Treasury, Postal Service and General Government held its oversight hearing on the Bureau of Alcohol, Tobacco and Firearms (BATF). In the witness chairs were Under Secretary of the Treasury for Enforcement Jimmy Gurulé and BATF Director Bradley Buckles.

In addition to many other budget and management issues, subcommittee members questioned Buckles on two gun issues.

First, pro-gun Rep. John E. Sununu (R-N.H.) asked Buckles about the recent BATF regulations requiring import permits for non-immigrant aliens to bring guns into the U.S. Noting that his congressional district in New Hampshire includes large areas of hunting land popular with both U.S. and Canadian residents, Rep. Sununu began by asking Buckles what consultation BATF had with hunting and sporting groups, outfitters, and others affected by the new rules. Buckles replied that before September 11, a hunting license from any state was all that was required to bring a gun into the U.S., and that in tightening the requirement,

BATF thought it had reached out to affected parties, but that problems had turned up, and that "perhaps we hadn't reached out the way we thought we had." He also noted that the regulation was also published as a proposed rule so that full opportunity would be provided for public comment.

Rep. Sununu noted confusing and conflicting answers that Canadian shooters had received from the U.S. Customs Service about the new rules, and asked Buckles whether Customs had been consulted, and what guidance had been given to Customs for use at border crossings, and what steps could be taken to make the regulations more functional for Canadian visitors. Buckles answered that BATF was "ramping up" its Imports Branch to provide quick processing of permits. He also said he had notified Customs of the new rules, but that upon re-reading his letter to Customs, he thought that it may not have made clear the urgency of the impending changes and may have sounded too routine. Under Secretary Gurulé said that since it was his responsibility to oversee both agencies, he would make sure to sit down with Buckles and Commissioner of Customs Raymond Bonner to ensure that the rules were implemented more smoothly.

Rep. Sununu continued by asking whether the current Form 6, designed for permanent commercial importation of guns, was really the best process for temporary visitors. Buckles responded that since their "intent was not to hinder sportsmen" they were working on the process "on an expedited basis," and in response to a follow-up question, suggested it might be possible to complete the paperwork and related background checks at the border.

Later, Rep. Don Sherwood (R-Pa.) noted that, as a hunter, he has had no problem taking guns to England, South Africa, and Argentina -- all countries with much more restrictive gun laws than ours -- and said he hoped that if they could have simple processes for visitors, we could, too. Rep. Sherwood also asked what would happen if Customs confiscated someone's gun at the border due to confusion or lack of information or proper paperwork -- could the visitor retrieve it before leaving the U.S.? Buckles said he wasn't aware of anyone having guns confiscated at this point.

Members of the Committee will continue the oversight process as the BATF budget request makes its way through the process. Follow-up inquiries from the initial hearing are expected to include a detailed examination of BATF's failures to provide the nation's firearm retailers with the new Form 4473 by the date on which it was mandated to use.

YOUNG GUN CONTROL ACTIVIST ARRESTED IN DRUG BUST

Ben Gelt, a 20-year old budding gun control activist, who led a post-Columbine protest at the White House, was recently arrested and charged with misdemeanor possession of marijuana with intent to distribute. The story, which can be found at

DenverPost.com (Feb. 24), noted that Gelt and five others were arrested in a dormitory at American University (AU), where police found opium, marijuana, and \$15,000 cash.

Gelt was 18 in 1999, at the time the murderous rampage at Columbine High School prompted him to join Sane Alternatives to the Firearms Epidemic (SAFE) an anti-gun advocacy group. Gelt organized 94 students from 31 Colorado schools to go to Washington to lobby Congress in support of more restrictions on the rights of law-abiding gun owners, and had a private meeting with Bill Clinton. Gelt had been very active in the anti-gun movement, writing articles for the Denver Post, and even delayed attending college for a year while on his crusade. The news story even reported that it was, in part, his anti-gun activism that convinced AU officials to accept him as a student.

Originally arrested on charges of opium distribution -- a felony -- the charges were reduced in court.

Although probably not a future candidate for gun ownership anyway, Gelt would be ineligible to legally purchase a firearm, as on BATF Form 4473, question 12(e) clearly asks "Are you an unlawful user of, or addicted to, marijuana...." Gelt's father conceded he was aware his son was a "mild user of marijuana."

DELL AND OUR RIGHT TO ARMS

This week has seen a great deal of discussion on the Internet and via e-mail regarding the Dell Computer Corporation. It all started when the president of the American Pistolsmiths Guild, Inc., Jack Weigand of Weigand Combat Handguns, Inc., attempted to order a Dell notebook computer. But Dell had implemented a screening process (in the wake of the terrorist attacks of September 11) that included holding up orders to companies with certain words in their name. This screening process was designed to better ensure compliance with federal export laws. One of those words is "combat," and Mr. Weigand's order was cancelled in the screening process, pending a follow-up by company staff. But in the case of Mr. Weigand, no such follow-up occurred, and when the concerned customer called Dell, he was told his order was cancelled. Mr Weigand naturally became concerned that Dell was opposed to the firearms industry.

When NRA became aware of this situation, we contacted Dell, and the company has been very responsive to our concerns. It also quickly contacted Mr. Weigand to offer an apology and an explanation as to why his order had been cancelled. Dell representatives have shown a genuine concern over the implication that it takes a position in the debate over firearms, and it has gone to great lengths to assure NRA, and Mr. Weigand, that the company is not interested in taking sides in this political discussion.

Additional concerns have been raised over Dell's affiliation with a little-known online fundraising program called EduOrg.com -- set up to help raise money for colleges, interest

groups, and other non-profit organizations. The group has established separate websites to assist "educational institutions...politically conservative organizations, nd...politically liberal organizations." The concern over Dell stems from the fact that it is included as part of EduOrg.com`s online virtual shopping mall, and one of the non-profit groups that could profit through EduOrg.com is the gun-ban lobby formerly known as "Handgun Control, Inc." (While HCI has officially changed its name, EduOrg.com, through its "politically liberal organizations" site, still lists the group under its old name.) When contacted about this, Dell officials stated they were looking into this partnership, but it should also be pointed out that Dell did not choose to be listed on HCI`s section, as it is simply automatically listed on the site of any organization that gets involved with this online fundraising system. In fact, one can also find Dell listed on all of the sites under the conservative heading. Such "affinity" programs have become commonplace in the era of the Internet, and generally do not reflect any given political bent on the part of participating vendors when they do not specifically benefit a single group or cause.

NRA will continue to explore these issues, but it would appear that Dell as a corporation does not support an anti-gun agenda, as some have been reporting. Rest assured that we will continue to report on any developments on this front.

Vol. 9, No. 10

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GUN-BANNERS REJECTED IN COURT...AGAIN

The Maryland Court of Appeals, the state`s highest court, ruled on Wednesday that gun manufacturer Sturm, Ruger & Company could not be held accountable for the 1999 death of Jordan Garris. Jordan died when he accidentally shot himself after he discovered his father`s firearm stored under a mattress. The court held, in a 6-1 ruling, that what led to the tragic death of the three-year-old was, "the carelessness of Jordan`s father." Judge Alan Wilner, who wrote the majority opinion, found the father acted "in contravention not only of common sense but of multiple warnings given to him at the time of purchase (of the firearm)." The rejection of this case -- which had been supported by the gun-ban lobby formerly known as HCI -- adds to the overwhelming tide of judicial rulings rejecting the reckless lawsuits agenda of the gun-ban community. Lawrence G. Keane, vice president and general counsel for the National Shooting Sports Foundation, Inc. (NSSF), stated "As Maryland`s high court found, this tragic accident was caused by the failure of a firearm`s owner to act in a safe and responsible manner by following the most basic firearms safety messages and warnings provided to him by the manufacturer and the retailer that sold him the firearm."

THOMPSON WON`T SEEK RE-ELECTION

U.S. Senator Fred Thompson (R-Tenn.), a staunch supporter of the Second Amendment, announced he will not seek re-election

this year. His support of our Right to Keep and Bear Arms will certainly be missed.