
Allegheny County Sportsmen's League Legislative Committee Report

March 2004 • Issue 113

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 against the Pennsylvania State Police.

LEGISLATIVE ALERT! United States Senate Vote for and Against Gun Control.

It was the first time that members of the United States Senate voted both for and against gun control in the same week on the same legislation.

During consideration of S. 1805 the gun manufacturers immunity legislation to protect gun manufacturers from unnecessary lawsuits several amendments were added to the bill. All of which were anti-gun.

On March 2, 2004 amendment No. A2637 by Sen. Diana Fienstein added language to added a ten-year extension to the ban on certain so-called assault weapons. That passed 52-47 with Senators Specter and Santorum voting against the amendment.

Again on March 2, 2004 amendment A 2635 by Sen. McCain and Reed to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes. That passed 53-46 with Senators Specter and Santorum voting against the amendment.

Again on March 2, 2004 an amendment to the bill was rejected that would have sought to expand coverage of handgun bullets and extend the overall

ban to bullets for assault weapons and most types of rifles. The amendment failed 34-63 with Senators Specter and Santorum voting against.

Finally, Senator Larry Craig asked for a vote on S. 1805 and asked members of the Senate to vote against the bill because of all of the anti-gun amendments added to the bill. NRA also sent an e-mail to the Senate asking for a NO vote on the bill and the bill failed 8-90 with Senators Specter and Santorum voting against the bill.

Neal Knox explains the Decision to Kill Senate Bill 1805.

5 p.m. March 2 Neal Knox Update -- After the Senate added a string of anti-gun amendments -- including an extension of the so-called "Assault Weapon Ban" and a McCain gun show amendment -- to S. 1805/S.659, the firearms industry liability protection bill, chief sponsor Larry Craig killed his own bill.

He did so after NRA E.V.P. Wayne LaPierre sent an email to Senators about 3 p.m. asking that they vote against S. 1805 on Final Passage.

There was simply too much wrong with the amended bill to be able to correct it in a Conference Committee, or on the House floor.

So Larry -- and NRA-ILA -- pulled the plug, as he and NRA had repeatedly told me they would do if they couldn't get a bill that could be cleaned up in Conference Committee or on the House floor.

Sen. Craig told the Senate that he will keep trying on the liability bill, attempting to move the clean House-passed bill. But I see no chance of getting it through the Senate until after this fall's

election, where we need to pick up at least four Senate votes – which is possible, but won't be easy.

Some of today's votes on antigun amendments will help that effort.

(Editor's note: The goal of the stack of hostile amendments to S. 1805 was not passage, but rather a tactic. And it worked.

In effect, the gun fraternity blinked - or prudently backed off - when enough garbage was hung on the bill. NRA had hoped to clean up the bill in the joint House/Senate Conference Committee. But there were too many amendments and too many gun rights supporters were in a panic fearing that a bad amendment, possibly the McCain gun show restriction or the "assault weapon" ban renewal, would pass. Largely because of the confusion in the ranks, we lost our best chance this year to pass a badly needed bill.

I would refer anyone who questions who really won the day to CNN's site. <http://www.cnn.com/2004/ALLPOLITICS/03/02/senate.guns/index.html> shows soon-to-be-anointed Democratic Party presidential candidate John Kerry flanked by Senators Charles Schumer, Diane Feinstein, and Ted Kennedy. Amidst smiles, Kerry flashes a thumbs-up. I hope the picture becomes famous. With a little luck and a lot of work, there may be an ex-senator or two made by association with that photograph.

NRA-ILA Grassroots Alerts

Vol. 11, No. 6

02/13/2004

BIG APPLE TRIES TO TAKE BITE OUT OF NRA

A *New York Magazine* piece (Feb. 2) highlights the antics spearheaded by New York City Council Member Gale Brewer. Brewer is pushing a resolution (that the magazine says is "expected to pass") demanding the Republican National Committee (RNC) condemn and "blast" NRA at its convention in New York City this summer. Brewer notes, "The resolution is going to say 'We don't want the NRA in NYC.'" The same article notes that in response to an anti-NRA website, Ed Skyler, Mayor Michael Bloomberg's (R) press secretary said the mayor opposed the NRA's legislation and called its views "reprehensible."

HELP RANGE SHOW ITS PRIDE

One of the nation's finest shooting facilities, which has been under attack for years, now has an opportunity to be listed as a Phoenix Point of Pride.

The Ben Avery Shooting Facility has been consistently threatened by re-zoning issues. The Phoenix-area range is an integral part of maintaining Arizona's shooting heritage, as is recognized by its nomination by the Phoenix Pride Commission.

To help grant Point of Pride status for the facility, please go to www.pride.azcentral.com and cast your vote. Voting ends on March 12 2004.

STUDY CITES FLAWS WITH FBI BULLET TESTS

A number of media sources are reporting on a recent finding by the National Research Council (NRC) that casts serious doubt on the reliability of the FBI's tests that match various metals in bullet fragments to other ammunition. The tests, which have been conducted for the past four decades, involve examiners measuring trace amounts of a variety of metals found in bullet lead in the hopes of matching fragments found at crime scenes.

In addition to numerous problems with the use of these test results in courtroom testimony, the NRC commission found that the most that can be said about these matches is that they probably came from the same source of smelted lead. But each of these lead batches can be used to produce as many as 35 million bullets, and individual boxes of ammunition usually contain bullets derived from different batches. The chair of the study committee, Kenneth O. McFadden, noted, "What we can say is a match of bullets probably came from a homogenous source, but it's no more specific than that. It can never be used for anything other than circumstantial evidence, and an entire case can't be built around it."

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02/27/2004

DEBATE ON LAWSUIT PREEMPTION UNDERWAY? AMENDMENTS TO FOLLOW WITH FINAL VOTE NEXT WEEK

On Wednesday morning, the U.S. Senate began debating S. 1805, the "Protection of Lawful Commerce in Arms Act" (formerly referenced in the Grassroots Alert as S. 659/S. 1806.) On a bi-partisan vote of 75-22, the Senate voted to allow debate on S. 1805 to proceed, lifting the threat of a filibuster.

The debate continued late into the evening with no substantive movement on the bill and no additional votes taken. Senators did, however, reach a "Unanimous Consent Agreement" spelling out specific amendments that would be permitted to be offered during the debate in anticipation of a final vote on the underlying measure on Tuesday, March 2.

On Thursday, the Senate reconvened and first considered an amendment by anti-gun Sen. Barbara Boxer (D-Cal.) that would require all handguns be sold with a mechanical safety device approved by the Consumer Product Safety Commission (CPSA). This amendment was then replaced by a "second degree" amendment by Sen. Herb Kohl (D-Wisc.). The Kohl amendment is much less restrictive and also provides liability protection for gun owners. The revised amendment passed 70-27.

The Senate next debated an amendment by Sen. Ben Nighthorse Campbell (R-Colo.) to permit current and retired law enforcement officers to carry concealed firearms off duty in other states. Arguing hysterically against the amendment, anti-gun Sen. Edward Kennedy (D-Mass.) revealed his deep distrust of gun carrying even by sworn police officers. A vote on the Campbell amendment was deferred until Tuesday.

Sen. Kennedy then introduced an amendment to ban the manufacture and sale of "armor-piercing" ammunition. Kennedy, who actually condemned the 30-30 Winchester cartridge during debate, wants to institute a "performance-based" standard that would grant any future Attorney General sweeping authority to ban any center-fire rifle ammunition, including most common-place hunting ammunition. The standard proposed by Sen. Kennedy was rejected in the 1980s as overly broad and unnecessary to meet any threat posed to law enforcement officers' safety. A vote on this NRA opposed amendment will take place Tuesday. There is also an amendment by Sen. Larry Craig (R-Idaho) which restates current law and increases penalties for killing a police officer.

The Senate then debated and voted upon two amendments seeking to gut S. 1805. The first related to the D.C. sniper case, but the proposal by Sen. Barbara Mikulski (D-Md.) was defeated, 56-40. A so-called "law enforcement" exemption offered by Sen. Jon Corzine (D-N.J.) was soundly defeated, 56 to 38.

NRA strongly opposed both amendments. One of the strengths of S. 1805 is that it adopts the same rules for all plaintiffs, no matter how sympathetic or

unsympathetic, and no matter how notorious or mundane their victimization. Plaintiffs' rights should depend on settled principles of law, not on emotion or sympathy.

Debate will resume on Monday, with the vote on final passage expected Tuesday. We strongly encourage you to watch the proceedings if you are able to do so. Debate will begin at noon on Monday and will air on C-SPAN2.

Using the bully pulpit of the White House, President Bush offered the following statement highlighting his support for the lawsuit bill without any anti-gun amendments: "The Administration strongly supports Senate passage of S. 1805. The Administration urges the Senate to pass a clean bill, in order to ensure enactment of the legislation this year. Any amendment that would delay enactment of the bill beyond this year is unacceptable. The manufacturer or seller of a legal, non-defective product should not be held liable for the criminal or unlawful misuse of that product by others. The possibility of imposing liability on an entire industry for harm that is solely caused by others is an abuse of the legal system, erodes public confidence in our Nation's laws, threatens the diminution of a basic constitutional right and civil liberty, sets a poor precedent for other lawful industries, will cause a loss of jobs, and burdens interstate and foreign commerce. S. 1805 would help curb frivolous litigation against a lawful American industry and the thousands of workers it employs and would help prevent abuse of the legal system. At the same time, the legislation would carefully preserve the right of individuals to have their day in court with civil liability actions. These civil actions are enumerated in the bill and respect the traditional role of the States in our Federal system with regard to such actions."

NRA-ILA stands committed to enacting into law, a "clean" (without any anti-gun amendments) S. 1805. And, as we have from Day One, we will continue to vigorously oppose any anti-gun amendments to S. 1805, specifically, reauthorization of the 1994 Clinton gun ban in any way, shape, or form, and imposing restrictions on gun shows. We will also continue to vigorously support Sen. Orrin Hatch's (R-Utah), amendment to restore the constitutionally-guaranteed Second Amendment rights of the residents of the District of Columbia. It is anticipated that these amendments will be debated and voted on beginning Monday.

Until this issue is resolved, we will continue to call upon our members and supporters to contact their U.S. Senators in support of S. 1805 without any "poison pill" amendments. As readers of the

Grassroots Alert are aware, in recent days and months, we have contacted our supporters nationwide to engage them in this battle. These efforts include: articles in our magazines; contacts by phone, e-mail, fax, and letter; special sections of our website (www.NRAILA.org) dedicated to lawsuit preemption and the Clinton gun ban (www.ClintonGunBan.com); and, in person, at various Grassroots Workshops.

We will continue our efforts until we succeed on these fronts, and will continue to pursue the most effective legislative and grassroots strategies to accomplish our mutual goals.

Please continue to contact your U.S. Senators at (202) 224-3121 and urge them to support S. 1805 without any anti-gun "poison pill" amendments. ILA's Grassroots staff is ready to assist you, so please call them at (800) 392-8683. Or visit ILA's website at www.NRAILA.org for additional information on these issues and to utilize the "[Write Your Representatives](#)" feature that will allow you to identify and contact your U.S. Senators.

Vol. 11, No. 9

03/5/2004

**SENATE SINKS LAWSUIT BILL?
ATTEMPTS TO REENACT GUN BAN AND END
GUN SHOWS GO DOWN WITH SHIP**

Now that the dust has settled over S. 1805, the "Protection of Lawful Commerce in Arms Act," it is time for us to take stock of where we stand in ultimately passing a "clean" lawsuit bill, regroup, and pursue the most effective legislative and grassroots strategies to accomplish this goal.

While we have noted that, in its original form, S. 1805 had the support of a majority of U.S. Senators and the Administration, it is also important to acknowledge other groups who supported the lawsuit bill. These include: organized labor (including United Mine Workers, United Steel Workers, United Auto Workers, and International Association of Machinists union members), the U.S. Chamber of Commerce, the National Association of Manufacturers, and the National Association of Wholesaler-Distributors.

As amended, S. 1805 was no longer the same bill that was originally introduced and supported by this broad-based coalition. Despite our best efforts, legislation that simply sought to halt the abuse of our court system by holding the lawful firearm industry liable for the acts of criminals, was weighed down with anti-gun amendments, thus making it

unacceptable. Plain and simple, the anti-gunners in the U.S. Senate played politics with this critical bill.

Commenting on the failure of the Senate to pass a "clean" lawsuit bill, NRA-ILA Executive Director Chris Cox noted, "Despite the fact that the U.S. House of Representatives passed a 'clean' lawsuit bill last year on an overwhelming bipartisan vote, Senate opponents of S. 1805 decided that playing election year gun control politics was more important than passing a bill that had the support of a majority of U.S. Senators and the Administration. While NRA is disappointed by the actions of those Senators who used political gimmickry to kill a bill that had such broad-based support, we were not willing to allow the lawsuit bill to be used as a vehicle to foist more gun control on the American people. U.S. Senators have now made their positions on these crucial issues known, and rest assured we will inform our four million members and the nation's 65 million gun owners of their actions, so they may take these votes into consideration on Election Day."

The vote on the Feinstein Amendment to reenact the 1994 Clinton gun ban was 52-47. And while it garnered four fewer votes than it did in 1993, this ban does not deserve to be extended for even one second longer than its scheduled demise on September 13!

NRA led the fight in opposition to the ill-conceived Clinton gun ban in 1994. We led the successful House effort to repeal the ban two years later, and we are leading the fight to ensure the Clinton gun ban deservedly expires on September 13. From public speeches, articles in NRA publications, ads in national newspapers, communications to lawmakers, the development of a website (www.ClintonGunBan.com), and meetings with our members, NRA has been vocal and unambiguous about our position on this issue. The same can be said about the McCain-Reed Amendment that was attached to S. 1805, which would have ended gun shows as we know them.

Senator Larry Craig (R-Idaho) did an outstanding job representing gun owners throughout the entire debate, and is to be applauded for his efforts in laying out the case against the Clinton gun ban, and for the importance of passing a lawsuit bill free of anti-gun amendments.

Rest assured our opponents will continue to work at every turn to try and accomplish their anti-gun goals. It is therefore critical that you continue to contact your lawmakers in opposition to reenacting or expanding the Clinton gun ban, as well as restricting gun shows.

This whole process highlights some of the pitfalls currently involved with passing proactive firearm legislation. But it is a battle worth fighting! Allowing these reckless lawsuits to continue unabated will be disastrous for the American firearm industry, and for your right to lawfully own firearms. We owe it to ourselves, and all gun owners across the Country, to continue this fight until we pass a "clean" lawsuit bill; whether it is this year, or next year, after the 2004 elections. When we succeed in ultimately enacting a "clean" lawsuit bill into law, it will represent a monumental step forward for our rights. Rest assured we will keep you informed of our efforts.

In the meantime, please visit www.NRAILA.org to find out how your U.S. Senators voted on the Feinstein and McCain-Reed Amendments, and contact them accordingly to make your views known. ILA's Grassroots staff is ready to assist you, so please call them at (800) 392-8683. Or visit ILA's website at www.NRAILA.org for additional information on these issues and to utilize ILA's "[Write Your Representatives](#)" feature that will allow you to identify and contact your U.S. Senators.

Thank you again for your continued activism on this issue and for your work in the future to enact this critically-needed reform!

KERRY SECURES DEMOCRATIC PRESIDENTIAL NOMINATION

On the day he wrapped up the Democratic Presidential nomination, Senator John Kerry (D-Mass.) proved that actions speak louder than words, and once again confirmed his hostility toward the rights of law-abiding gun owners.

Despite ridiculous rhetoric about being a supporter of the Second Amendment, Kerry's voting record shows that his perennial F-rating from NRA's Political Victory Fund is well deserved. The Massachusetts Senator, who has been AWOL from Washington for months while he's been running for President, returned to Washington on Tuesday, and spoke in favor of, and then voted for, the Feinstein Amendment. Senator Kerry also voted for the McCain-Reed gun show amendment. These were the first votes Kerry had cast this year. Kerry was joined by his vanquished primary opponent, Senator John Edwards (D-N.C.), who also supported the two measures.

While Kerry will have to worry about his anti-gun voting record dogging him during the presidential campaign, one thing he won't have to worry about

is something he uttered last year: "I am not looking to be the candidate of the NRA."

PLAN TO ATTEND FREE PITTSBURGH GRASSROOTS WORKSHOP!

The NRA-ILA Grassroots Division will host a FREE Grassroots Workshop in conjunction with NRA's Annual Meetings in Pittsburgh. This Workshop has been a regular part of NRA's Annual Meetings for a decade. At this event, you will hear from NRA officers, staff, and your fellow NRA members on what you can do in your own community to ensure victory for the Second Amendment in this year's elections.

We will also discuss how you can work with your local Election Volunteer Coordinator (EVC). Your EVC is a local NRA member who is working with the various pro-gun campaigns in his area to provide critically-needed volunteer support for a variety of activities, including: phone banks, precinct walks, literature drops, voter registration drives, Get Out The Vote & Election Day activities, etc. EVCs also promote NRA-ILA's legislative agenda at the federal and state levels.

With the 2004 elections in full swing, it is critical that we start implementing our grassroots battle plan to ensure we are ready to meet these electoral challenges head on as Election Day 2004 approaches. Rest assured that the anti-gunners are already re-doubling their efforts to ensure the defeat of pro-Second Amendment candidates in critical elections across the country, so we must ensure we are prepared to defeat their efforts at every turn.

Workshop details are:

NRA-ILA Grassroots Workshop-FREE! Friday, April 16, 9:00 a.m. - 12:00 noon
(Registration & free continental breakfast-8:00 - 9:00 a.m.) Allegheny Ballroom II, Westin Convention Center Pittsburgh Hotel, 1000 Penn Avenue, Pittsburgh, PA, 15222

To reserve your seat, or for more information, please call NRA-ILA at (800) 392-8683. You may also register on-line at <http://www.nraam.org/seminars/grassroots.asp>. We hope to see you in Pittsburgh on Friday, April 16!