
Allegheny County Sportsmen's League Legislative Committee Report

November 2002 □ Issue 97

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

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ELECTIONS

EXISTING WINS AND DISAPPOINTING LOSSES

Everyone remembers the old saying that you can lead a horse to water but you can't make him drink. In spite of his loss Fisher did win the majority of the counties representing more in population but not the cast votes.

Nevertheless there were big gains in the General Assembly, and that of course is where the rubber meets the road. For further explanation on the results of the General Elections see the attached report from Firearms Owners Against Crime.

ACSL'S LAWSUIT AGAINST THE PSP Registry of Firearm Ownership.

With Ed Rendell winning the Governor's race the ACSL will have to rely on our lawsuit against the state police to rid us of the registry of firearms ownership.

As reported last month Mike Fisher pledged that if he were elected Governor he would directed the state police to destroy the database and discontinue the law suit. That will not happen now that Rendell has been elected, in fact, a greater push will be made to make the database legal.

Just prior to the elections the ACSL was alerted to a move by Rep. Wallis Brooks to introduced Ed Rendell's one-gun-a-month. A component of that proposal was to legalize the database.

ACSL SLANDED BY LOCAL LEGISLATOR IN CAMPAIGN MAILING TO LOCAL SPORTSMAN

The ACSL recently obtained a copy of the campaign mailer from State Representative David Levdansky target to sportsmen in his district. The mailer was a mean spirited, personal attack leveled at the ACSL's Legislative Committee Chairman Mike Slavonic and the NRA. It was the most unprofessional personal attack on a spokesperson for a sportsmen's organization ever witnessed in any of the races for the Pennsylvania General Assembly this year. This attack was leveled at Mike Slavonic even though he was never personally involved with Levdansky's opponent Monica Douglas in the campaign.

In his mailing to sportsmen Levdansky raised an old issue of him introducing an amendment prohibiting a hunter from possessing his firearm after killing a deer. He wrote; I was immediately contacted by Mike Slavonic of the NRA, who was such a hard-kline extremist that in later years the NRA parted ways with him." That was in 1988 and Slavonic was not with NRA, and this was an issue that was long decided by the General Assebly over 14 years ago. At that time the ACSL was concerned that the Levdansky's amendment would subject gunowners to theft of their firearms, and was in conflict with the Section 6109 of the Uniform Firearms Act for Concealed Carry. The majority of the Pennsylvania General Assembly agreed with the ACSL and in 1988 amended the Game laws to only prohibit the carrying of a loaded firearm, and exempted anyone with a concealed carry licnese.

This is not the first time Levdansky has lashed out against the ACSL's legislative Committee. During the

candidates' interview with the editorial staff of the Pittsburgh Post-Gazette Levdansky delivered an unsolicited out-burst railing against Mike Slavonic and Mr. Kim Stolfer labeling them as radical extremist supporting Douglas. Levdansky's outburst was so violent that it even shocked the Post-Gazette's editorial board.

Levdansky is one of the leading anti-gun legislators in the Pennsylvania General Assembly he has voted 15 out of 20 times against gun owners, and is rated an "F" by FOAC. The mailing was an obvious attempt to cover up his true voting record being exposed by Ms Douglas.

It is clear that Levdansky is angry that Firearms Owners Against Crime endorsed his opponent in the General elections. He also recognizes that the ACSL is a formidable opponent to Rendell's gun control plans. He is attempting to paint the ACSL as being on the so-called right wing, were he is more in the center and in the main stream in order to destroy the ACSL's reputation. The truth is that Levdansky is so far to the left on this, and other issues that we could not get far enough to the right to make Levdansky look moderate. A response is posted on the ACSL's Web, and we will respond to other manner also. A copy of FOAC's flyer produced during the campaign is attached to this report.

Reciprocity Reform dies in the Senate with Fisher's Failed Campaign for Governor

The ACSL had been working with the Attorney Senator Bob Robbins office who brought together the NRA and the PA Sheriffs Association to and the Senator introduced Senate Bill SB 1547. That process was completed and all parties had signed off on the language until the Pennsylvania State Police stepped into the negotiations.

Unknown to us at the time the State Police table a three-page document that outlined their demand that they take over the database on CCW holders. Robbins office, apparently fearing a backlash from the State Police asked for us to consider a compromise. The State Police opposed taking away the records on CCW permits from their control and vesting it in the Sheriff and Attorney General's offices.

The ACSL did attempt to offer a compromise and agreed to letting the State Police conduct the 24/7 validation service provide that they not be able to retain any other information on the licensee other than the license number. Fearing that the PSP would mount a major campaign against the bill Sen. Robbins office pull back on the plan to amend a senate bill and have it passed by the end of the session at the end of the month.

Allegheny County DA has yet to re-investigate Goods for Guns Buy-Back in Allegheny County

Two months ago it was reported that the ACSL received a call that District Attorney Stephen Zappala office was requesting that we re-file our complaint against Goods for Guns with their office because they seem to have lost the original complaint somewhere in their offices. We promptly re-submitted the complaint and we are still awaiting a response after three months.

This apparently was a stalling tactic seeing who would be elected Governor, and who would control the General Assembly. We will now pursue going to the Attorney General for an Attorney General Opinion.

Lame Duct Session in full swing in the General Assembly

Probably the most dangerous time of the legislative session is the period before after the elections and the last day of the session at the end of this month.

The ACSL is working with certain members of the Legislature to take advantage of any opportunities that may arise.

Justices to decide if gun records should be kept secret

WASHINGTON - The Supreme Court plunged into the gun debate Tuesday, agreeing to decide whether the government can withhold information on some gun purchases and crimes, including details of database checks like those used to track weapons in the sniper case.

The Bush administration, backed by the National Rifle Association and a police group, claims that confidential

records are needed to safeguard investigations and protect people's privacy.

NRA-ILA FAX Alert

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10/18/02

"LAME DUCK" CONGRESS MAY ADDRESS "BALLISTIC FINGERPRINTING," LAWSUIT PREEMPTION, & ARMING PILOTS

With Congress currently poised to adjourn for the year, there are so many critical issues left undressed that lawmakers will need to reconvene for a special "lame duck" session following the **November 5** elections. During this session, there are several firearm-related proposals that may be considered. Of course, NRA has been promoting the passage of two particular measures for quite some time—a prohibition on reckless lawsuits designed to bankrupt law-abiding gun manufacturers, and the establishment of an effective armed pilots program—and we will work to ensure these measures are addressed.

Recently, however, the issue of "ballistic fingerprinting" has been receiving a great deal of attention. This attention will possibly lead to action on legislative proposals that would either encourage studying the feasibility of a "ballistic fingerprinting" scheme, or would simply mandate such a scheme be implemented, regardless of whether it has any potential of being an effective crime-solving tool.

NRA, of course, has always welcomed any technology that obstructs criminals and is not used to infringe upon the rights of law-abiding citizens. For that reason, NRA has been on record as supporting **H.R. 3491, The Ballistic Imaging Evaluation and Study Act of 2001**, and its Senate counterpart **S. 2581**, since their introduction more than six months ago. But we cannot support a "ballistic fingerprinting" proposition (**H.R. 408 & S. 3096**) that its sponsor says would set up a "national gun database."

"Ballistic fingerprinting" is a misleading phrase, because human fingerprints, DNA, or other biometric data can't be altered. But markings on fired cartridge cases and bullets do change for a variety of reasons. Furthermore, there's serious debate within the law enforcement community whether such "ballistic fingerprinting" is reliable. Police criminalists and forensic scientists have studied such a system and called it "impractical." (**California Department of Justice, Bureau of Forensic Services**). In fact, [an October 10 article on *Newsday.com* by William J. Vizzard](#)—a retired agent with the **Bureau of Alcohol, Tobacco & Firearms** (BATF) who now serves as the **chair of the Division of Criminal Justice at California State University-Sacramento**—spells out many of the flaws with "ballistic fingerprinting." Vizzard points out problems such as the substantial cost of such a system, limits as to how many firearms would actually be included in the database, and legal questions regarding the evidential chain of custody for samples. And considering most criminals obtain their firearms through illegal channels, such as by theft, tracing firearms back to the last legal owners would likely result in a dead end for any investigation.

[An article by researcher Steven Milloy, posted today to *FOXNews.com*](#), also points out the problems with ballistic "fingerprinting." Milloy addresses the study conducted by the *California Department of Justice, Bureau of Forensic Services*, pointing out the numerous flaws with "ballistic fingerprinting" exposed by the study. But Milloy notes, "Shockingly, the California experts were silenced by California's pro-gun control **Attorney General Bill Lockyer** (D). One panel member said he was gagged by the AG's office, not only about the study, but about the entire topic."

The many problems with "ballistic fingerprinting" that have been exposed by the California study, coupled with the transitory nature of these so-called "fingerprints," led **NRA EVP Wayne LaPierre** and **NRA-ILA Executive Director Chris Cox** to comment in a joint release on the subject, "[I]t defies reason why a criminal or terrorist intent on

violence would not avail himself of a firearm never subjected to 'fingerprinting,' altered into anonymity, or imported from another country."

The release went on to point out that, "[F]or lawful gun owners, this ["ballistic fingerprinting"] scheme is national gun registration, and certain to produce confusion, misidentification and wrongful suspicion. That's why 'ballistic fingerprinting' of handguns in **Maryland** and **New York**, the only states that require it, hasn't solved a single gun crime."

"Maryland and New York taxpayers," LaPierre and Cox continued, "might rightfully ask whether the millions of dollars required to create and maintain such a system could be better spent on vital law enforcement needs. Before squandering billions of dollars to deploy such a system nationwide, American taxpayers—despite national alarm in the wake of tragedy—should ask that question, too."

In addition to the issue of "ballistic fingerprinting," reckless lawsuit preemption legislation—which would block politically-motivated lawsuits that attempt to hold law-abiding gun makers liable for the criminal misuse of their products—still needs to move through both chambers of Congress. The House version, **H.R. 2037**, has 231 co-sponsors and has been passed by two committees. Its next stop should be the House floor for full consideration. The Senate version, **S. 2268**, now has 44 co-sponsors. The number of co-sponsors for each bill shows solid support, but time is rapidly running out for lawmakers to pass these critical reforms. Please call both your U.S. Senators and your U.S. Representative and urge them to promote the passage of reckless lawsuit preemption legislation.

Also, the U.S. Senate still needs to act on **H.R. 5005**—the legislation that would create a **Homeland Security Department** and which contains the **Smith amendment**. The Smith amendment seeks to establish an armed pilots program that would allow qualified commercial pilots to be able to have access to firearms as a last line of defense against terrorist hijackers. Please continue to contact your U.S. Senators and urge them to keep the Smith amendment intact, and to do everything possible to ensure any armed pilots program passed includes

every pilot interested in participating in the program.

To contact your U.S. Representative, call (202) 225-3121, and to reach your U.S. Senators, call (202) 224-3121. Just ask to speak with your particular lawmaker.

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10/25/02

SENATOR SCHUMER IS AT IT AGAIN

U.S. Senator Charles Schumer (D-N.Y.) is once again proposing national gun registration in the name of gun safety. And to no one's surprise, he is even willing to lie in order to promote his anti-gun agenda. While appearing on NBC's **Meet the Press**, Schumer stated that the **Fraternal Order of Police** (FOP) supported his "ballistic fingerprinting" scheme, and he even referred to a release from the F.O.P. he implied supported his claim. In fact, the very release he held clearly stated FOP had serious doubts about "ballistic fingerprinting." The release actually says, "*[P]rior to embracing a database of ballistic 'fingerprints' as a revolutionary advancement in law enforcement technology, we would be wise to study its efficacy....*" The release also stated, "*...with such small chances that ["ballistic fingerprinting"] would be used to solve a firearm crime, suggests to the F.O.P. that these are law enforcement dollars best spent elsewhere.*" Hardly support for Schumer's "ballistic fingerprinting"/registration scheme.

While Schumer and the gun-ban lobby try to mislead the public, NRA will continue to work with law enforcement. The Association has supported **H.R. 3491, The Ballistic Imaging Evaluation and Study Act of 2001**, and its Senate counterpart, **S. 2581**, since their introduction more than six months ago. Rest assured your NRA will continue to fight against gun registration in all its forms.

COURT RULES NRA STICKER NOT GROUNDS FOR SEARCHING CAR

The **5th Circuit Court of Appeals**, which is in **New Orleans, La.**, ruled this week that the

presence of an NRA sticker does not give police "probable cause" to search a vehicle. The ruling involved a case against an individual who had been stopped for speeding, but whose vehicle was searched after the defendant said he heard one of the officers tell another he suspected a "weapon" might be present because of an NRA sticker. The majority wrote, "Indeed, if the presence of an NRA sticker ... in a vehicle could be used by an officer to conclude he was in danger, half the pickups in the state of Texas would be subject to a vehicle search." The ruling also stated, "[P]lacing an NRA sticker in one's vehicle is certainly legal and constitutes expression which is protected by the First Amendment. A police officer's inference that danger is afoot because a citizen displays an NRA sticker in his vehicle presents disturbing First and Fourth Amendment implications."

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11/1/02

BELLESILES RESIGNS BUT STILL FEELING HEAT

Michael Bellesiles, author of the highly-criticized "**Arming America**," and once the darling of gun-ban extremists, continues to plummet from the lofty ranks of being a respected, tenured professor to the depths of being a discredited "researcher" forced to resign. Last Friday, October 25, **Robert A. Paul, Interim Dean of Emory University** announced he had accepted the resignation of Bellesiles, effective December 31, 2002.

Bellesiles's book has been the center of a firestorm of controversy ever since it first attempted to promulgate the absurd notion that firearms ownership was not widespread in America before 1840. As accusations that Bellesiles was guilty of research misconduct surfaced, Emory University began took action. First, the Atlanta private school ordered the historian to defend his work late last year. In February of this year, Emory announced its own investigation of Bellesiles's "research." In April, the school said it had completed its internal investigation, and "concluded that further investigation would be warranted by an independent committee of distinguished

scholars." And along with last Friday's announcement that Bellesiles had resigned came the release of a 40-page indictment of the work by that committee of scholars. Commenting about Bellesiles's "research," the committee found, among other problems, that in important areas, "he is guilty of unprofessional and misleading work." The committee also wrote, "We are seriously troubled by Professor Bellesiles's scholarly conduct," and, "the failure to clearly identify his sources moves into the realm of falsification."

Even though this particular chapter of the Bellesiles saga may have come to an end, there may be more yet to come. In 2001, Bellesiles was awarded the **Bancroft Prize** for "Arming America," which is considered by many to be the ultimate prize an American historian can receive. While **Columbia University**, which awards the Bancroft Prize, has not responded to calls for revoking the prize and the accompanying \$4,000 cash award, some scholars anticipate an investigation into just such an action may come soon.

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11/8/02

YOU DID IT! NRA & GUN OWNERS ENJOY TREMENDOUS SUCCESS AT POLLS

All of your hard work leading up to **Election Day 2002** paid off with incredible returns, as voters have decided to send a more pro-gun Congress to Capitol Hill in January 2003. While the media have focused on the success of Republicans and **President George Bush (R)**, we are proud to be able to state that NRA-PVF-endorsed pro-gun candidates (both Democrats and Republicans) won nearly 94% of 270 races at the federal level, although the final outcome in a handful of races has yet to be determined. Thanks to the efforts of NRA and its dedicated members, the pro-gun community saw a net gain of at least two pro-gun seats in the U.S. Senate, and at least 13 pro-gun seats in the House of Representatives. And with the Republicans regaining majority control of the U.S. Senate, anti-gun **U.S. Senator Tom**

Daschle (D-S.D.) will no longer be able to wield power as Senate Majority Leader. That position will return to **U.S. Senator Trent Lott** (R-Miss.), a pro-gun stalwart. Due to your efforts, many anti-gun committee chairmen in the U.S. Senate will be replaced by supporters of our Right to Keep and Bear Arms. Republicans also added to their advantage in the House of Representatives—an accomplishment that is noteworthy considering it has been 100 years since the party last gained House seats while a Republican (**Theodore Roosevelt**) resided in the White House. This marks the fourth straight election cycle that Democrats have failed to regain control of the House—control they lost in 1994—a failure that is likely one of the reasons anti-gun **U.S. Representative Dick Gephardt** (D-Mo.) has announced he will not seek another term as House Minority Leader.

NRA success was not limited to federal races, though. Across the nation, NRA-PVF's endorsed candidates seeking state and local offices enjoyed an amazing 85% success rate in approximately 2,300 races. Gubernatorial candidates running on anti-gun platforms were turned back everywhere, most notably in Maryland, although some anti-gun candidates were successful when they camouflaged themselves as being pro-gun. Overall, there are now 37 states with a governor that holds pro-gun views.

Our thanks go out to all of our members and supporters—especially NRA-ILA's 300+ **Election Volunteer Coordinators**—who worked so hard to make Election Day 2002 such a tremendous success. Without your dedication, we would not have been able to achieve all that we have. With new pro-gun Senators **Lamar Alexander** (R-Tenn.), **Saxby Chambliss** (R-Ga.), **Norm Coleman** (R-Minn.), **John Cornyn** (R-Tex.), **Elizabeth Dole** (R-N.C.), **Lindsey Graham** (R-S.C.), **John Sununu** (R. N.H.), and **Jim Talent** (R-Mo.), and too many new pro-gun U.S. Representatives to list, NRA looks forward to working with our supporters, both old and new, as we promote our pro-Second Amendment agenda. *Even with our successes on Tuesday, however, the pro-gun margin in*

Congress remains very thin. There is still a need to remain vigilant, as threats to our Right to Keep and Bear Arms will remain!

GUN-BAN LOBBY SUFFERS MISERABLY AT POLLS

Anti-gun lawmakers and candidates were not the only big losers on Tuesday, as the gun-ban lobby formerly known as **HCI** suffered enormous setbacks at the polls. Each election cycle, the extremist organization looks for what it considers to be the 12 most vulnerable pro-gun candidates that it can target for defeat. This year, the group's "**Dangerous Dozen**" list went after 10 candidates endorsed by NRA, one candidate who was not initially endorsed but had been endorsed in the past, and another candidate not even rated by NRA, but who was running against one of the gun-ban lobby's favorite federal lawmakers of all time—**Frank Lautenberg** (D-N.J.). Lautenberg stepped in to replace **U.S. Senator Bob Torricelli** (D), whose ties to corruption had him heading for likely defeat. And while HCI's endorsed candidate won that race, the vast majority of America's voters continued to reject HCI's extremist agenda. In the 10 targeted races where NRA had made an early endorsement, seven of our candidates won. HCI split the two remaining races, with Lautenberg winning against an unrated candidate, and pro-gun **U.S. Representative Bob Ehrlich** (R)—who received a late endorsement from NRA-PVF via a Get Out The Vote phone bank—winning his race for governor of Maryland.

In New Jersey's 5th Congressional District, where NRA-PVF-endorsed **Scott Garrett** (R) trounced HCI-backed **Anne Sumers** (D), the campaign took a decidedly nasty turn when a Sumers ad tried to exploit the recent string of shootings in the Maryland/ Virginia/Washington, D.C. area. The ad pictured one of the accused killers, **John Allen Muhammad**, and implied Garrett's pro-gun views may have contributed to the crime spree.

In the Maryland gubernatorial race, which pitted Bob Ehrlich against virulently anti-gun **Lieutenant Governor Kathleen Kennedy**

Townsend (D), promoting attacks on law-abiding gun owners was one of Townsend's central themes. Townsend, who was endorsed by HCI, also sought to exploit the crimes Muhammad has been accused of committing. According to the *Washington Post*, one day after her campaign promised it would avoid raising gun control as a campaign issue as long as the killer remained on the loose, Townsend reversed herself. An October 11 *Post* article stated Townsend "shipped a new ad to Washington TV stations that bashes her GOP opponent in the Maryland governor's race for voting against a ban on [so-called] 'assault weapons.'" **Paul E. Schurick**, a spokesman for Ehrlich, stated prior to the capture of the suspects, "We've got a killer on the loose, we have funerals taking place, and she and her campaign have decided to put that to use for their political gain. It's shameful." And Townsend's campaign went the added step of following up its "assault weapons" ad with one that called for "ballistic fingerprinting." A Townsend spokesman, **Peter Hamm**, defended his candidate's strategy, stating "[I]t is certainly fair—and I think Washington [sic] residents will agree—to talk about where we both stand on the issue of gun control." Of course, Hamm should have been more concerned with what Maryland residents think, who clearly thought poorly of a politician who tries to use tragedy to promote her campaign. Ehrlich defeated Townsend, sending a Republican to the governor's mansion for the first time in Maryland since the 1960s.

But HCI's ineffectiveness at the polls was not confined to its "Dangerous Dozen" target list. HCI also failed to defeat any of the six pro-gun lawmakers it included in its "Dishonorable Mention" list. Furthermore, only three incumbent Republicans lost reelection in the House of Representatives, and two of those candidates were endorsed by HCI. And in many of the high-profile races where the gun-ban lobby made endorsements, such as in the gubernatorial races in **Kansas** and **Pennsylvania**, and U.S. Senate races in **Colorado**, **Georgia**, and **Missouri**, their candidates did everything possible to distance themselves from being labeled as anti-gun. In

Missouri, where HCI-endorsed **U.S. Senator Jean Carnahan** (D) lost to NRA-PVF-endorsed **Jim Talent** (R), Carnahan tried disguising her anti-gun views by publicizing her fondness for skeet shooting and promoting her "Sportsmen for Carnahan" bumper stickers, although that tactic failed to win over the pro-gun community.

In the wake of what HCI should consider demoralizing losses at the polls, the gun-ban lobby's tenuous grasp on reality has shown signs that it is slipping more than ever. Its press release on the elections makes the outrageous claim, "Where guns were a campaign issue, supporters of [gun control] won," and **President Michael Barnes** claimed, "The [NRA] did not win this election." The same release, however, also proclaims, "The NRA and their allies now control Congress...." And the release goes on to imply HCI's anti-gun, anti-Ehrlich campaign in Maryland "was a winner." It's hard to imagine how the group can consider the loss of Townsend, the candidate it supported more than any other, as "a winner." Especially considering both Townsend and HCI ran numerous ads attacking Ehrlich's pro-gun record and his ties to NRA. Then again, this is the same organization that considers banning firearms, imposing ineffective licensing and registration schemes, and abusing our judicial system with reckless lawsuits designed to bankrupt law-abiding gun manufacturers as part of its "sensible gun policies."