

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

Idaho Gov. BUTCH OTTER has made his state **the seventh to exempt guns made and kept in the state from any federal regulations**, joining a nationwide effort to challenge Washington's authority.

House Bill 589 is listed on OTTER's website among legislation that has been signed into law. **The governor added Idaho to the list of states that have adopted what have become known as "Firearm Freedom Acts."**

The movement began one state over, in Montana, where **a court case was filed seeking affirmation that the state - and not bureaucrats in the nation's capital - has the right to manage in-state issues and actions.**

Idaho's new legislation cites **the Second, Ninth and 10th Amendments** as justification for its exemption, as well as the Constitution's Commerce Clause.

Idaho's new law says, "The Tenth Amendment guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Idaho certain powers as they were understood at the time that Idaho was admitted to statehood in 1890."

The Ninth Amendment also provides the state authority for its own rules for guns made and kept in the state, and the Second Amendment "reserves to the people the right to keep and bear arms as that right was understood at the time that Idaho as admitted to statehood," the new law states.

The purpose of the new law is **"Prohibition of Federal Regulation of Certain Firearms."**

According to the Firearms Freedom Act website, such laws are "primarily a Tenth Amendment challenge to the powers of Congress under the 'commerce clause,' with firearms as the object - **it is a state's rights exercise.**"

GARY MARBUT of the **Montana Shooting Sports Association** has been called the god-father of the movement for his work on the original plan that took effect last year in Montana.

Since then, **Tennessee, Wyoming, South Dakota, Utah and Arizona joined in the effort before Idaho.** Marbut says that at least another 24 states are considering similar legislation.

MICHAEL BOLDIN of the **Tenth Amendment Center** said Washington likely is looking for a way out of the dispute.

"I think they're going to let it ride, hoping some judge throws out the case."

Wyoming officials took the unusual step of actually **including penalties for any agent of the U.S.** who "enforces or attempts to enforce" federal gun rules on a "personal firearm." **The costs could be up to two years in prison and \$2,000 in fines for an offender.**

The key action is a lawsuit pending over the Montana law, which was the first to go into effect. **The lawsuit was filed by the Second Amendment Foundation and the Montana Shooting Sports Association** in U.S. District Court in Missoula, Montana, to validate the principles and terms of the Montana Firearms Freedom Act, which took effect Oct. 3, 2009.

Other groups are now asking to join the state groups that brought the case.
Also in this issue: ● *Congress to revoke D.C. gun laws?* ● *More states join Firearms Freedom Act lawsuit* ● *Alaska restores some gun rights to felons* ● *Judges telling citizens to buy guns in police cutbacks* ● *Concealed carry on campus movement thrives* ● *Granny's Gun in our Page 8 "Parting Shot"*

**REBELLION
IN AMERICA**

CONGRESS IN TURMOIL OVER DISTRICT OF COLUMBIA BILLS

Senator John McCain (R-AZ) and Senator Jon Tester (D-MT) have introduced a bill that would strip the District of Columbia of most of its anti-gun laws, one week after the Democrat-controlled House of Representatives abandoned a D.C. voting bill because similar gun rights provisions were attached.

House Majority Leader Steny Hoyer said that this year lawmakers will not take up any legislation giving District of Columbia citizens a vote in the House of Representatives because of the gun issue.

House Democrats, including DC's nonvoting delegate, Eleanor Holmes Norton, have been trying for the past year to find a formula that would allow DC a vote and give gun rights advocates what they need, but failed.

Senators McCain and Tester sponsored the Second Amendment Enforcement Act, which would repeal the District's gun registration requirements and allow D.C. residents to purchase ammunition from outside the city.

The bill also would restrict the D.C. Council's power to regulate firearms, by putting under federal control the city's laws on semiautomatic weapons and gun storage. It would also revoke the mandate that guns be stored unloaded and disassembled.

The bill also would repeal registration requirements and allow District residents to purchase ammunition across state borders.

McCain and Tester say the bill would rectify the District's gun laws to comply with a 2008 Supreme Court decision in *D.C. v. Heller*.

**AT THE
FEDERAL
LEVEL**

BIG GUN-CONTROL LOBBYING BLITZ FROM BLOOMBERG'S MAYOR GROUP

Gun-control proponents have been outspent and outmaneuvered on Capitol Hill for nearly a decade, but have now begun pushing back, using the anniversaries of two high-profile shootings to make the case for new laws that would close so-called "gun show loopholes." The public does not appear to know what "loopholes" the slogan is talking about.

Mayors Against Illegal Guns, a group led by New York City Mayor Michael Bloomberg (I) and Boston Mayor Thomas Menino (D), has launched a lobbying blitz to prod Congress to approve new laws that would require FBI background checks on all firearm sales at private gun shows.

The mayors group is running a six-figure media campaign that includes both national cable and selected state advertising spots as well as an online petition drive.

John Feinblatt, Bloomberg's chief adviser for policy and strategic planning, told reporters, "The truth is the conventional wisdom is just wrong that you can't do a gun issue."

He pointed to push-polling that purports to show support for "closing the loophole" and added that both President Barack Obama and his GOP opponent Senator John McCain of Arizona pledged to "close the gun loophole" during the 2008 presidential campaign.

"The mayors are ready to say, 'Now is the time to do it,'" Feinblatt said. "This is not a gun-control issue. It is a crime-control issue."

The announcement came on the 11th anniversary of the Columbine High School shootings in Colorado and shortly after the third anniversary of the shootings at Virginia Tech.

The mayors avoided talking about armed school officials and college students that could have stop the shooters.

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Publishers: Alan M. Gottlieb and Joseph P. Tartaro

Subscriptions: Eva Hart

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Editor: Ron Arnold

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MORE STATES JOIN MONTANA GUN LAWSUIT

The attorneys general for Utah and Wyoming have announced that their states and South Dakota will join a federal lawsuit pending in Montana in which pro-gun groups are seeking to protect that state's sovereign right to regulate guns.

The attorneys general confirmed that they will file a "friend of the court" brief in the Montana case, and that South Dakota also plans to join them.

IN THE COURTS

All the states involved have enacted Firearms Freedom laws that seek to exempt guns made and sold within their borders from federal regulation. Montana was the first state to pass such a law.

The Second Amendment Foundation and Montana Shooting Sports Association sued the federal government, which argued that Montana lacked authority to exempt guns from national gun control laws.

UPDATE: IDAHO SIGNS ONTO MONTANA FIREARMS FREEDOM LAWSUIT

Idaho has joined the federal court case in Montana arguing that locally made and used guns should be exempt from all federal laws, including registration requirements.

It's a follow-up to the Idaho Firearms Freedom Act that state lawmakers enacted this year at the urging of Rep. Dick Harwood (R-St. Maries). The bill wasn't really about gun rights, Harwood told fellow lawmakers. The measure was intended to spark a federal court case designed to expand states' rights.

A "friend of the court" brief filed on behalf of the states of Idaho, Utah, Alabama, South Carolina, South Dakota, West Virginia and Wyoming said, "With few viable avenues to assert their political will, states that have enacted laws similar to Montana's Firearms Freedom Act are clamoring to restore the proper balance between state and federal government power."

The brief was prepared by Utah Attorney General Mark Shurtleff, who will represent the group of states in the case. Idaho and the others signed on to his brief.

UNIVERSITY OF COLORADO GUN BAN STRUCK DOWN BY APPEALS COURT

The Colorado Court of Appeals has ruled in favor of a group seeking to allow students with concealed gun permits to carry their firearms on campus.

Gun rights organization Students for Concealed Carry on Campus argued that a 1994 University of Colorado policy banning concealed weapons from its campus violates state gun laws, particularly the Concealed Carry Act of 2003.

The ruling revives a lawsuit that a judge tossed out.

Attorney Jim Manley had argued that state law prohibits local governments from adopting laws limiting concealed carry rights.

In a statement, Manley said the court vindicated the constitutional protection for the right to keep and bear arms.

CU officials say they're considering an appeal to the Colorado Supreme Court.

U.S. SUPREME COURT RULES FOR DOG-FIGHT FILM MAKER

The Supreme Court has nullified a 1999 federal law passed by Congress in an attempt to curb animal cruelty by forbidding its depiction. The high court ruled that the government lacks the power to outlaw expressions of animal cruelty, when that is done in videotapes and other commercial media.

Undercover federal agents had bought from Robert J. Stevens, a Pittsville, Virginia film maker, copies of films, including one made in Japan documenting modern-day dog fights in that country and in the U.S., showing considerable cruelty.

Stevens claimed that his film provided historical perspective on dog fighting. On the basis of that film and other materials found in his home, he was charged with and convicted of violating the 1999 law, and was sentenced to 37 months in prison. The Professional Outdoor Media Association led in supporting the First Amendment argument by Stevens' attorney Patricia Millet, who won the Supreme Court ruling by an 8-1 vote in the case of *U.S. v. Stevens*.

ALASKA GOVERNOR GETS BILL TO EXPAND GUN RIGHTS OF SOME FELONS

The state Senate has passed legislation restoring gun rights for some nonviolent felons. The bill, sponsored by the House Judiciary Committee, now goes to the governor. Current state law allows for nonviolent felons' gun rights to be partially restored if certain conditions are met. That partial restoration still bars handgun purchases and limits carrying concealed weapons. A U.S. Supreme Court decision held that if felons' rights are restored, it must be fully, or not at all.

TWO GUN-RIGHTS BILLS SIGNED BY ARIZONA GOVERNOR

Gov. Jan Brewer has signed into law two bills supported by gun-rights activists.

One of the bills she signed would broaden the state's current restrictions on local governments' ability to regulate or tax guns and ammunition. One specific provision bars local governments from prohibiting a person with a concealed weapons permit from possessing a gun in a park.

The other bill, the Firearms Freedom Act, declares that guns manufactured entirely in Arizona are exempt from federal oversight and are not subject to federal laws restricting the sale of firearms or requiring them to be registered.

Brewer says that bill "should send a clear and convincing message that politicians in Washington should not attempt to get between Arizonans and their constitutional rights."

IN THE STATES

CALIFORNIA FACING TWO SERIOUS THREATS TO GUN RIGHTS

Two serious anti-gun bills are moving through the California legislature. The Democrat-controlled Assembly Public Safety Committee passed legislation to ban carrying unloaded firearms in public 4-2, over the objections of the open carry movement frustrated by government infringement of their constitutional rights to bear arms.

The committee previously passed Assembly Bill 1810, legislation that would establish a registration system, similar to the one currently in place for handguns, for all newly-acquired long guns. AB1810 went to the Assembly Appropriations Committee where it was placed into the suspense file due to financial costs and will be reconsidered in the near future.

GEORGIA LEGISLATURE EXPANDS GUN CARRY IN AIRPORTS

Georgia's registered gun owners would be allowed to carry their firearms into parts of the world's busiest airport, Atlanta's Hartsfield-Jackson, as lawmakers shot back at a court ruling that had long frustrated Second Amendment activists. The House voted 120-37 to allow gun owners to carry their weapons into parts of airports throughout the state not controlled by the federal government, such as terminals and parking lots. The proposal has already been adopted by the Senate and now goes to Gov. Sonny Perdue.

HAWAII MOVING BILL TO FORBID SEIZURE OF LEGAL GUNS DURING DISASTERS

A bill preventing the government from seizing legal firearms during an emergency has been passed by the Hawaii Legislature.

The full Senate voted 21-0 to approve the measure after it already passed the House. The proposal prohibits the seizure of firearms or ammunition when the government invokes emergency powers during a disaster. It gained momentum after February's tsunami warning, when lawmakers said their constituents asked if their weapons could be taken in an emergency situation.

MARYLAND LEGISLATORS NOT LISTENING TO URBAN GUN BAN LOBBY

Lawmakers in Annapolis – despite lobbying by Baltimore's chief prosecutor, police commissioner and mayor – shelved a gun ban bill with just 15 minutes to spare on the last day of the legislative session. The anti-gun bill would expand the present handgun ban to include shotguns, rifles and so-called "assault weapons," by hiding them in "firearms used in crimes" laws, which actually have wide authority.

IOWA CONCEALED CARRY PERMIT RULES IMPROVED

Governor Chet Culver has signed into law an overhaul of Iowa's concealed weapons rules that make it more difficult for sheriffs to reject permit requests. Speaking at a bill-signing ceremony, Culver maintained the measure struck an appropriate balance between gun-owner rights and public safety. "There doesn't need to be any conflict between the right to carry a firearm and public safety," said Culver, a Democrat. Under the new rules, sheriffs could only deny applications for specific reasons, such as a prior criminal record or drug addiction.

IN THE STATES

MISSOURI LAWMAKERS EXPAND GUN RIGHTS

The Missouri House has passed HB1692, which would allow prosecutors and attorneys to carry firearms into the courthouse. HB1787 would allow lawmakers to carry guns into the Capitol. Both bills expand the state's "Castle Doctrine" law to allow an owner of private property to use deadly force against an intruder. Currently the law states that an intruder must be in a dwelling to justify lethal force.

NEBRASKA NOW HAS A PRO-GUN PREEMPTION LAW

The Cornhusker State's preemption clean-up bill, LB 817, was signed into law by Governor Dave Heineman (R). This legislation will prohibit cities, counties and any other municipalities from passing any sort of ordinance relating to registration of handguns for concealed carry permit holders. Approval of this legislation was followed by Attorney General John Bruning's (R) recent opinion stating that the City of Omaha was violating state laws.

UTAH GUN OWNERS CHALLENGE NEW MEXICO'S BAN ON THEIR PERMITS

New Mexico will no longer accept Utah's gun permits because officials there think Utah's training is inadequate. State Public Safety Secretary John Denko says Utah licenses require significantly less training than New Mexico's. But Clark Aposhian with the Utah Shooting Sports Council says Utah has the best training in the country. "I'll put up our training and our stats to show that it is as good if not better than any other state," he says.

NEW YORK'S NEW MENTAL LAW ALLOWS COURTS TO SEIZE FIREARMS

The New York Assembly has passed A-7733A, which authorizes courts to revoke the firearms license and seize the weapons of individuals for mental reasons. The Senate companion bill is S-5456. You can now be stripped of your Second Amendment rights if you accept a plea of "not responsible by reason of mental disease or defect," or if a court order authorizes your involuntary care and treatment or if a judge declares that there is a need to detain you for mental reasons.

OKLAHOMA GOVERNOR VETOES STATE FIREARMS FREEDOM ACT

SB 1685, Oklahoma's Firearms Freedom Act, has been vetoed by Democrat Governor Brad Henry. Sen. Randy Brogdon, author of SB 1684, said he was disappointed with the governor's action. "What the governor fails to grasp is that, for years, anti-Second Amendment politicians have been attempting to use federal regulation as a way to prevent any law-abiding citizen from owning firearms," said Brogdon, R-Owasso. "My legislation would have stopped further federal attempts to erode our constitutional right to protect ourselves and our families." Brogdon said he would seek to override the governor's veto as soon as possible.

VIRGINIA GOVERNOR BOB McDONNELL SIGNS RESTAURANT CARRY INTO LAW

Governor Bob McDonnell has signed into law a measure allowing right-to-carry permit holders to carry a concealed firearm for self-defense in restaurants, providing they do not consume alcohol. State Senator Emmett Hanger (R-24) and Delegate Todd Gilbert (R-15) were the principal sponsors of Senate Bill 334/House Bill 505. It passed the State Senate and House of Delegates by large margins. Virginia is the 42nd state with restaurant carry for permit holders.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Seattle, Washington:** Starbucks' same store sales are up 7% in defiance of the Brady Campaign's attacks that resulted from the company's refusal to forbid law-abiding customers from legally carrying firearms in their stores. Don Earl, a blogger on the "Opposing Views" website, remarked, "At the height of the worst Depression since the 1930s, with unemployment at 17.9% (when all categories of unemployment are included), in a business driven solely by discretionary consumer spending, Starbucks' stellar results for the quarter say a lot about its ethics and business practices. In standing up for its customers' constitutional right to keep and bear arms, its customers stood up for Starbucks privilege to stay in business."

● **Bogalusa, Alabama:** Robert Hicks, one of the last remaining leaders of the secretive, paramilitary organization of blacks called the Deacons for Defense and Justice, has died of cancer at his home at the age of 81. Hicks joined the Deacons in 1965 after the Ku Klux Klan threatened to bomb his home because he put up two white civil rights workers. The Deacons rejected the nonviolence preached by the Rev. Dr. Martin Luther King Jr. They carried guns, with the mission to protect against white aggression, citing the Second Amendment. And they used them, shooting whites that attacked blacks. When James Farmer, national director of the Congress of Racial Equality, joined protests in Bogalusa, one of the most virulent Klan redoubts, armed Deacons provided security.

● **Pittsburgh, Pennsylvania:** Westmoreland County Commissioners have voted to change an ordinance to allow guns in all county parks. Commissioners Tom Balya and Tom Ceraso, both Democrats, said they had no choice but to amend the county's 1974 parks ordinance so it concurs with state law that allows firearms in public places, including parks.

● **Washington, D.C.:** Kal Penn, the actor-turned-Obama-staffer, was robbed at gunpoint in Northwest Washington. Penn (who now goes by his birth name, Kalpen Modi) was accosted around 1:30 a.m. near 15th and S streets in the Dupont Circle area by a gunman, who walked up to him and took a wallet and other belongings. Penn gave up his role on the hit series "House" last year to take a job as an associate director in the White House's Office of Public Engagement. But he's scheduled to return to Hollywood later this year, to resume his acting career with a role in a new "Harold and Kumar" Christmas movie.

● **Corvallis, Oregon:** College Republicans at the Oregon State University campus raffled off an AR-15 rifle to kick off Second Amendment Week. It's an event that often attracts individuals carrying weapons. Some students say it makes them uncomfortable. People lined up at the College Republican's tent to purchase tickets for the raffle. Director of Second Amendment Week, R.J. Friedman, is one of many people fighting to recind the university's "gun-free" policy.

● **DeKalb, Illinois:** Only two states in the nation do not have concealed carry laws Illinois and Wisconsin. One organization wants to change that. Members of Icarry.org recently went to Northern Illinois University for two reasons. They wanted to honor the victims of the deadly campus shooting a couple of years ago and convince students concealed carry could have prevented it. "The more you allow people to defend themselves the safer everyone is," said Shaun Kranish, executive director of Icarry.org.

● **Washington, D.C.:** Data released by the FBI's National Instant Criminal Background Check System (NICS) reported 1,300,100 checks in March 2010, ranking the month the second highest March (fifth highest month overall) for most NICS checks. This figure is an increase of 24.9 percent over checks in March 2008. The total number of background checks reported since the beginning of NICS is 113,680,372.

● **Modesto, California:** Stanislaus County Sheriff Adam Christianson, at a meeting of the Madison Society - Second Amendment defenders - has signed a pledge accepting self-protection as "good cause" for gun licensing as he prepares to lay off dozens of deputies because of budget cuts. He has also released 300 inmates to comply with new state rules. Self-protection is now necessary in the county - government can't do it.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Jefferson, Ohio:** Judge Alfred Mackey of Ashtabula County Common Pleas Court has advised residents to be vigilant and arm themselves because the number of deputies has been cut about in half because of a tight budget. He also urged neighbors to organize anti-crime block watch groups. "They have to be law-abiding, and if they are not familiar with firearms they need to take a safety course so they are not a threat to their family and friends and themselves," Mackey said. "We're going to have to look after each other."

● **Knoxville, Tennessee:** Republican Congressman Jimmy Duncan reports that we now have approximately 4,000 in the Federal Air Marshals Service, yet the entire agency has made an average of just 4.2 arrests a year since 2001 - not 4.2 arrests per marshal, 4.2 arrests by the *whole agency*. That's about \$200 million per arrest. Worse, more than three dozen Federal air marshals have been charged with crimes, and hundreds more have been accused of misconduct. Cases range from drunken driving and domestic violence to aiding a human-trafficking ring and trying to smuggle explosives from Afghanistan. In fact, more air marshals have been arrested than the number of people arrested by air marshals.

● **Newtown, Connecticut:** The National Shooting Sports Foundation (NSSF) - the trade association for the firearms industry - has learned that the United Nations has filed its first firearms trace request. Senior Vice President and General Counsel Lawrence G. Keane said. "Our concerns with this trace request stem from UN-efforts to impose arms trade control treaties that would lead to a ban on the civilian possession and ownership of firearms, possibly even in the United States despite Second Amendment protections."

● **Harrisonburg, Virginia:** Kevin Garris, President of Students for Concealed Carry on Campus, says of their silent protest demonstration, "People that want to carry concealed weapons on campus are following the law." Garris is trying to change James Madison University's administrative policy regarding carrying concealed weapons on campus. "If you look particularly at JMU, a lot of people say guns and alcohol don't mix. I totally agree, but the alcohol and drinking and partying isn't taking place on campus. That takes place off campus where people can carry if they so choose," says Garris.

● **Lubbock, Texas:** Texas Tech students joined the national "Empty Holster Protest." Students wore their empty holsters into classrooms all week to push for changes in legislation that would allow them to carry in classrooms. "Students for Concealed Carry on Campus" was created after the Virginia Tech shooting. Members say carrying their handguns is for self defense.

● **Negaunee, Michigan:** Carrying a concealed weapon at Northern Michigan University is illegal, however, some students protested against this law by carrying empty holsters on their belts. The students think they should have the same rights as the rest of the public. Fox News Upper Michigan affiliate TV6 ran a poll asking, "Do you think students should be allowed to carry a concealed weapon on campus?" 73% voted yes, 27% No.

● **Washington, D.C.:** Judicial nominee for the U.S. Court of Appeals for the Ninth Circuit Goodwin Liu is so far to the left that even Obama's Chief of Staff, Rahm Emmanuel, is hesitant to push him forward. Ed Whelan, a one-time clerk to Justice Antonin Scalia and now president of the Ethics and Public Policy Center, says "Liu believes that judges have the authority to impose their views using clever verbal camouflage to disguise what they're doing." Ranking Republican member of the Senate Judiciary Committee, Jeff Sessions (R-AL), said, "Instead of nominating an individual who has demonstrated an impartial commitment to following the Constitution and the rule of law, President Obama has selected someone far outside the mainstream of American jurisprudence."

● **Chicago, Illinois:** Mayor Richard Daley said the National Guard isn't needed to patrol Chicago streets, as requested by two state lawmakers from Chicago who wanted a quick answer to urban violence. Tougher gun laws are the answer, Daley said.

Parting Shot

GRANNY GOT HER GUN

Beatrice Turner of Des Moines, Iowa, is 89 years old. Thirty years ago she traded her shotgun for a .22-caliber handgun that she keeps in her bedroom for protection.

Late last month, Nelson McAlpine, 37, bashed in the front door of Turner's east-side Des Moines house about 5:30 a.m. Turner yelled at the man, telling him he had the wrong house and warned him she would shoot if he came inside.

"He was a big, burly guy," Turner said. "He was pulling at his shorts and talking crazy. If they stay outside, OK. But I always said if they come inside, it's me or them."

Turner fired one shot - and missed. "I squeezed it again but it didn't go off," she said. "By then he was pounding on the coffee table."

Turner said the man kept repeating, "It's not daylight, it's not daylight."

"I told him Jesus and I would go outside with him and make the daylight come," Turner said.

A neighbor who heard the gunshot called police.

When officers arrived at Turner's house, they found the intruder standing in the front yard. He told police he had been using drugs and didn't know where he was.

McAlpine, who has an extensive police record, was being held in the Polk County Jail on a charge of second-degree burglary.

Bond was set at \$10,000.

Polk County Attorney John Sarcone, who has been in office for 19 years, said he could probably count on one hand the number of times a home-owner has fired a gun at an intruder.

"You have no duty to retreat inside your own home," Sarcone said. "Force has to be commensurate with the threat. What would a reasonable person in her position do?"

In most shootings, police confiscate the gun while they sort things out. Not this time. According to Turner, police helped her reload the handgun and left it in her possession.

"There were about six officers here," she said. "All of them were hugging me and telling me how brave I was."

The front and back doors at Turner's house were replaced that day.

And Turner spent some time learning more about her gun.

She said she figured out how to fire a second shot.

Alan M. Gottlieb

Joseph D. Tartaro

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