

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The OBAMA administration is hatching a plot that sounds like a bad conspiracy theory movie: A major federal agency will produce **half-baked research studies about the need for gun restrictions**, followed by **endless press coverage** making sure **everybody gets alarmed**. Then Democrat politicians and activists **will pretend the gun restrictions they've always wanted** were spurred by new **government research**, and out come **major gun control regulations**.

The problem is, **it's not a conspiracy theory**. The National Institutes of Health (NIH) has been spending **millions of new dollars** to study such topics as **whether teenagers who carry firearms run a different risk of getting shot** compared with suffering other sorts of injuries.

It has also has been **financing research** to investigate whether **having many liquor stores in a neighborhood puts people at greater risk of getting shot**.

How can that be? For the past decade, NIH's sister agency, **the Centers for Disease Control and Prevention**, has been **forbidden by Congress from doing research on gun-control issues**. *Previous studies were gun control propaganda, not science.*

The NIH, which administers **more than \$30 billion in taxpayer funds** for medical research, defended the grants. DON RALBOVSKY, NIH spokesman, said "**Gun related violence is a public health problem** - it diverts considerable health care resources away from other problems and, therefore, is of interest to NIH."

The NIH's end run around restrictions on **CDC gun-control research** is hardly surprising: **President OBAMA once served on the board of the Joyce Foundation**, then the *largest private funder of gun-ban research in the country*.

An amendment currently in conference in the House and Senate could mandate that **Amtrak permit passengers to bring guns aboard its trains in checked luggage**. It passed the Senate 68-30. The House and Senate must now reconcile their bills.

However, **Amtrak says it has neither the security infrastructure, nor the time to comply with the legislation** by March 31, 2010. "Unlike the airline industry, **Amtrak has no system in place for a uniform system of screening for weapons or exact regulations regarding firearms**," wrote THOMAS CARPER, chairman of the board for Amtrak to the Subcommittee on Transportation, Housing and Urban Development.

Rep. DENNY REHBERG (R-MT), has joined the bipartisan **Second Amendment Task Force**. Members of this group act as a unified and proactive force to promote legislation that **protects the Second Amendment** and to fight legislation that poses **a threat to citizens' constitutional right to keep and bear arms**.

"Now, more than ever before, it will be necessary to maintain a vigilant eye against real efforts to disarm the American people," said REHBERG, a member of the House Appropriations Committee and the Congressional Sportsmen's Caucus.

New York City Mayor MICHAEL BLOOMBERG's "Mayors Against Illegal Guns" has issued a tightly-held 51-page **"gun reform" report only for OBAMA insiders**. Titled, "*The Blueprint for Federal Action on Illegal Guns*," it recommends **dozens of new gun control agencies** including a new **"Office of Tactical Trace Analysis,"** and new policies like **a giant undercover force to spy on gun shows**. The report will not be released to the public, but was announced by the BLOOMBERG group.

Also in this issue: ● California has new ammo law ● Saudi's can now own guns ● Chicago gun ban "under Supreme Court attack" ● Oregon woman defends herself from rapist ● Kentucky pastor leaves flock for Glock ● Zero Tolerance for Zero Tolerance in our Page 8 "Parting Shot"

**AT THE
FEDERAL
LEVEL**

SCWARZENEGGER SIGNS CALIFORNIA AMMUNITION BILL

Gov. Arnold Schwarzenegger has signed into law a bill that requires buyers of handgun ammunition in California to leave thumbprints and detailed personal information with registered ammo sellers, as well as put restrictions on online bullet sales - all ammo sales must be made face-to-face.

Schwarzenegger said in a letter explaining his decision, " Assembly Bill 962 reasonably regulates access to ammunition and improves public safety without placing undue burdens on consumers."

The new restrictions will take effect Feb. 1, 2011. Drafted by Assemblyman Kevin de Leon (D-Los Angeles), the bill bans direct shipping to Californians who buy bullets via mail order or over the Internet.

IN THE STATES

Instead, any ammo they buy would need to be picked up at a licensed handgun ammunition dealer, similar to the way guns are currently bought and sold.

The bill doesn't require a waiting period to pick up ammunition as there is when purchasing firearms. All handgun ammunition must be kept behind store counters. Ammunition that can be used in both pistols and rifles - like the popular .22 caliber round used by target shooters and small game hunters - fall under the new restrictions.

Buyers providing photo ID and a thumbprint will have their information kept on file and made available to law enforcement agencies.

GEORGIA STUDENTS WANT RIGHT TO CARRY ON CAMPUSES

Students For Concealed Carry On Campus is fighting to change Georgia law. The group wants to make it legal for students at all universities across the state to carry guns (or knives) on campus.

Matt Lewis with Students For Concealed Carry On Campus, said "Currently it is a felony for a student to have a weapon on campus. This is our second amendment right this is what we are guaranteed by the constitution and somewhere along the way people decided stripping that right would make us safer and it hasn't. It has made us targets."

OHIO JOINS STATES DECLARING GUN INDEPENDENCE

Ohio has joined with several other states, including Montana and Tennessee, in asserting independence from federal gun laws with the introduction of House Bill 315. This bill, sponsored by Representatives Morgan and Martin, would make all guns manufactured wholly within the state of Ohio exempt from federal gun regulations provided sales are within state boundaries.

The Bureau of Alcohol, Firearms, Tobacco, and Explosives has claimed that they have the authority through the right to regulate interstate commerce because even exclusive intrastate sales of guns have an effect on gun sales nationwide.

OREGON CAMPUS GUN BAN GETS SENATE SCRUTINY

After two recent lawsuits raised questions about the legality of Oregon's state universities' bans on concealed handguns, the state Senate has decided to weigh in on the subject. At an informal hearing before the Senate's Judiciary Committee, former Sen. Neil Bryant, convinced the legislature to form a working group to proactively resolve legal issues surrounding the bans, to convene this month.

The main case in question was filed by the Oregon Firearms Educational Foundation and petitions the court to determine the validity of the Oregon University System's handgun ban, which affects those licensed to carry concealed handguns.

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OBAMA ADMINISTRATION TO NEGOTIATE ON UNITED NATIONS GLOBAL ARMS TREATY

Secretary of State Hillary Clinton said in a State Department release that the United States would back talks on a treaty to regulate arms sales as long as the talks operated by consensus, a stance critics, including Amnesty International and Oxfam, said gave every nation a veto.

AROUND THE WORLD

Reuters reported, "The decision, announced in a statement released by the U.S. State Department, overturns the position of former President George W. Bush's administration, which had opposed such a treaty on the grounds that national controls were better."

The "U.N. Conference on the Arms Trade Treaty" would draft a proposed legally binding treaty to tighten regulation of, and set international standards for, the import, export and transfer of conventional weapons.

The pro-gun think-tank Heritage Foundation said that the treaty would not stop "dictators and terrorists" from getting arms but would be used to reduce the ability of democracies such as Israel to defend their people.

The Second Amendment Foundation and other leading gun rights advocates, have condemned the U.N. treaty negotiations as a blatant effort at global gun control.

GUNS TO BE AVAILABLE ON THE SAUDI MARKET FOR THE FIRST TIME

In a move aimed at reining in the widespread illegal ownership of handguns and assault weapons, Saudi officials say that Saudis will be able to buy handguns and other personal firearms openly for the first time.

The ministry also stated that it would license privately-owned gun shops, but it won't come cheap, the country's interior ministry announced. Only Saudis over 25 with a clean criminal record and a bank guarantee of 500,000 Saudi Riyal (about US\$133,000) can get a business permit to open a gun store, Arab News reported.

Hunting and sport shooting weapons are currently sold in specialty stores in Saudi Arabia and all weapons have to be licensed.

The ministry has also announced its decision to give Saudis permission to run shooting clubs.

FRONT GROUP WANTS U.S. TO REINSTATE THE CLINTON "ASSAULT WEAPONS" BAN

A group of former government employees calling themselves "The Binational Task Force on Rethinking the United States-Mexico Border" has released a report saying the United States should reinstate a Clinton-era ban on so-called "assault weapons" to prevent such guns from reaching Mexican drug cartels.

The Second Amendment Foundation has identified the "Task Force" as a front.

The group is actually a joint project of the Pacific Council on International Policy (PCIP) and the Mexican Council on Foreign Relations. PCIP is funded by the Hewlett Foundation and Rockefeller Brothers Fund, long-time anti-gun donors.

LONDONERS ALARMED AT ROUTINE PATROLS BY ARMED POLICE

Armed police officers are to patrol the streets of London for the first time in an attempt to tackle a rise in gang-related gun crime.

Traditionally officers from the Metropolitan Police's specialist firearms unit - code-named CO19 - have been deployed on the streets only when a response to incidents of gun crime is necessary or to protect VIPs.

HIGH-CRIME GREAT BRITAIN WANTS TO EXPORT ITS EXTREME ANTI-GUN LAWS

John Duncan, Britain's ambassador for multilateral arms control and disarmament, hopes to have the U.N. General Assembly vote on a gun control treaty this year.

Ironically, the same Britain now trying to export gun control has experienced an explosion in violent crime since virtually banning guns in 1997. The *British MailOnline* reports that England and Wales now have the highest violent crime in the European Union - a rate which, in fact, exceeds that of the United States and even hyper-violent South Africa.

LEGAL EXPERT THINKS CHICAGO GUN BAN WILL GET MOWED DOWN

The Supreme Court will hear arguments in *McDonald v. Chicago* this term, with a decision likely to be announced by June of next year. The plaintiffs in the case, together with the Second Amendment Foundation (SAF) and the Illinois State Rifle Association (ISRA), argue that Chicago's gun registration and handgun ban violate the Second Amendment, while Chicago argues that the 2nd Amendment does not apply to local or state governments.

TV legal expert Avery Friedman said, "Unless Justice Kennedy does an about-face, the chances of the survival of Chicago's ordinance are about as high as Sonny Corleone at the toll booth." (Nobody has counted the hundreds of Tommy Gun hits the actor took in that famous scene from *The Godfather*, but it was a lot.)

**ON THE
LEGAL FRONT**

THREE LAWMAKERS FILE COURT BRIEF AGAINST CHICAGO GUN BAN

Senators Kay Bailey Hutchison (R-TX) and Jon Tester (D-MT) are joining with Representative Mark Souder (R-IN) in filing a joint amicus brief in the case of *McDonald v. Chicago* before the Supreme Court asking justices to apply the Second Amendment to states in seeking to overturn the city of Chicago's registration law and handgun ban – repeating an effort the three first made last year in the District of Columbia's *Heller* gun-rights case.

"The Second Amendment guarantees gun rights for all law-abiding Americans, no matter where they live," said Tester, vice chairman of the Congressional Sportsmen's Caucus. "I'm glad Republicans and Democrats are working together to tell the Supreme Court we expect it to stand up for our gun rights."

WILL SOTOMAYOR RECUSE HERSELF FROM MCDONALD?

With the Supreme Court's acceptance of *McDonald v. Chicago*, how will new Justice Sonia Sotomayor act? Will she take part in the case, or recuse herself?

During her confirmation hearing she agreed to recuse herself from an appeal of *Maloney v. Rice*, in which she and two other Second Circuit appeals judges ruled that the Second Amendment "imposes a limitation on only federal, not state, legislative efforts." In short, the Second Amendment does not apply to states.

But *McDonald* comes from the Seventh Circuit, and Sotomayor did *not* agree to recuse herself from cases other than *Maloney*, even though the question in *McDonald* is the same. In *Maloney*, she would be asked whether to overrule her own decision, a judicial ethics dilemma; in *McDonald* she would not. She said she'd consider it.

Expert opinion: Don't bet that she'll recuse herself from *McDonald* just yet.

LAWSUIT FILED FOR FIREARMS FREEDOM LAW

The Montana Shooting Sports Association (MSSA) and the Second Amendment Foundation (SAF) have filed a lawsuit in federal court in Missoula to validate the principles and terms of the Montana Firearms Freedom Act (MFFA), which forbids federal regulation of guns made and kept in Montana.

"We feel very strongly that the federal government has gone way too far in attempting to regulate a lot of activity that occurs only in-state," said MSSA President Gary Marbut. "It's time for Montana and her sister states to take a stand against the bullying federal government, which we're doing with this lawsuit."

GUN RIGHTS GROUPS FILE LAWSUIT TO STOP SEATTLE BAN

The Second Amendment Foundation, National Rifle Association and five local residents have filed a lawsuit challenging a new Seattle parks regulation that bans firearms, arguing that the ban violates Washington State's long-standing preemption statute. They are joined by the Citizens Committee for the Right to Keep and Bear Arms and the Washington Arms Collectors.

The lawsuit, filed in King County Superior Court, names the City of Seattle, Mayor Greg Nickels and Timothy Gallagher, superintendent of Parks and Recreation, as defendants. Plaintiffs are represented by Seattle attorney Steve Fogg with the Seattle law firm of Corr, Cronin, Michelson, Baumgardner & Preece LLC.

MASSACHUSETTS DEFENSE ATTORNEY CHALLENGES STATE GUN LAWS

Paul W. Patten, a Fall River defense attorney, has appealed a client's gun-carrying conviction directly to the Massachusetts Supreme Judicial Court, which is expected to decide whether a state law that requires residents to apply for gun licenses with their local police departments is unconstitutional.

Patten is representing Nathaniel DePina, 19, a New Bedford man serving a 2-year jail sentence for illegally carrying a firearm. Patten appealed the conviction on the grounds that the state gun licensing law is "vague and over-broad," inconsistent in application and violates an enumerated, fundamental right protected by the Second Amendment.

ON THE LEGAL FRONT

SOUTH CAROLINA HIGH COURT SETS GUN PRECEDENT

The South Carolina Supreme Court has ordered a new trial for Johnny Rufus Belcher, 42, convicted of killing his cousin in 2006, thus overruling decisions on more than two-dozen murder and assault cases dating to 1894.

The high court's ruling set a precedent for cases involving weapons and self-defense arguments. The jury could have chosen murder, voluntary manslaughter or self-defense. The high court said the jury was inappropriately told it that could infer that the killing involved malice because a gun was used. Defense attorney Rauch Wise successfully argued it's an unfair assumption when both people are armed.

ILLINOIS HIGH COURT OK'S STORING GUNS IN CAR CONSOLES

The Illinois Supreme Court has ruled that gun owners can carry weapons in the ordinary storage boxes built into their cars.

The question was whether a compartment for items like CDs and sunglasses also meets the legal definition of a "case" for carrying guns. Illinois law lets people carry guns in their cars so long as they are stored in a case or other container.

The court ruled that a car's storage box is good enough.

The ruling was prompted by a Peoria case in which a man had been sentenced to 2 1/2 years in prison for carrying two pistols in his car's storage compartment.

COUNTY JUDGE THROWS OUT GUN DEALER LAWSUIT AGAINST NEW YORK CITY

A Cobb County, Georgia judge has dismissed a Smyrna gun seller's lawsuit that was brought against New York Mayor Michael Bloomberg after the mayor called the Georgia businessman, Jay Wallace, a "rogue" gun dealer.

Former Congressman and former federal prosecutor Bob Barr, who represented Wallace in this suit, said he expected to appeal the dismissal.

"We certainly intend to pursue this vigorously," Barr said. "I think we have a very strong case."

SUPREME COURT TO CONSIDER OUTLAWING PICTURES OF HUNTING AND FISHING

The Supreme Court has agreed to consider a plea that it create a new exception to the First Amendment's free speech clause as it did with child pornography. The government wants to make it a crime to sell videotapes or other depictions of animal cruelty, based on the case U.S. v. Stevens (08-769) involving tapes of pit bull dog fighting. Legal hunting and fishing could one day be ruled "cruel."

The National Shooting Sports Foundation encourages the court to support the First Amendment rights of all media to show images of hunting and fishing, which could be outlawed by a 1999 anti-cruelty law that was declared unconstitutional by the Third Circuit Court of Appeals - the government wants it to stay in effect.

FLORIDA PUBLIC HOUSING BAN ON GUNS CHALLENGED

Johnnie E. Lewis, a 73 year old man living in public housing in Fernandina Beach, Florida could face eviction for his desire to own a gun. Under a Housing Authority of Fernandina Beach lease agreement that tenants must sign, they agree not to display, use or possess any firearms under penalty of eviction. Lewis, with his attorney Steven M. Fahlgren, have filed suit for declaratory and injunctive relief concerning his right to keep a gun in his home for lawful purposes.

AMERICANS DEFENDING THEMSELVES WITH FIREARMS

● **Forest Grove, Oregon:** A 23 year old woman, who lives in a suburb of Portland, was asleep in her home when an intruder entered and tried to rape her. Police said the woman grabbed a .22 caliber rifle from near her bed, and began firing in his direction. The rapist fled, and no one was injured. Police arrested a suspect, a 53 year old drifter named Floyd Dale Elliott, shortly thereafter. The victim identified Elliott in a police lineup, and he has been charged with rape and burglary.

● **Las Vegas, Nevada:** A resident at 3025 Red Bay Way, near Cheyenne Avenue and Buffalo Drive, a northwest valley home, shot an intruder dead during a night break-in. Las Vegas police said four men broke into the house about 9:30 p.m. One of the four intruders was shot and killed. The other three fled the scene. Nobody else was injured, according to police, who gave no motive for the break-in.

GUNS SAVE LIVES

● **Columbus, Ohio:** A 70-year-old woman attending the All-American Quarter Horse Congress in Columbus, Ohio, was staying at the Continent Inn, 6225 Zumstein Dr., located at The Continent shopping center, off Rt. 161 near I-71. She was in her motel room with four or five friends and they'd cracked open the door to get some fresh air when a man barged into the room, demanding money from those inside. Police said the woman, from southern Ohio, grabbed a gun that she had in the room and shot Wayne Winston, 25, of Columbus, who staggered into the parking lot of the motel and died. Columbus police Sgt. Eric Pilya of the homicide squad say the shooting occurred about 9:15 p.m. The woman had a concealed carry permit.

● **Greensboro, North Carolina:** Greensboro police say Charles Haithcock, 80, is not facing charges after he shot and killed a break-in suspect at his home on Walnut Street. He called 911 immediately following the shooting of 19-year-old Michael L. Medley who he said broke into his home. Medley has a criminal record for robbery. Haithcock: "A man broke in on me and pulled a gun. I shot him and he's laying out in the yard." 911 Operator: "Is he breathing?" Haithcock: "I don't know. He broke in the window. He pulled the air conditioning out in the living room. And I heard something and he come back to the bedroom. I was in the bed. And I opened the door and he had pulled what looked like a shotgun, he was pointing it at me." Police responded to the home and found Medley dead from a gunshot wound.

● **Rockford, Illinois:** One of two men who tried to rob the Broadway Joe's Pawn and Jewelry Shop was in critical condition after being shot by a store employee. The other was still at large. About 3:25 p.m., two men entered the business, 1435 Broadway at Parmele Street, demanding money. A store employee retrieved a handgun that was stored inside the business and fired at the two. One of them was struck by the gunfire inside the store while the second man fled the scene on foot, Deputy Chief Theo Glover said. The employee will not be charged.

● **Orlando, Florida:** Two people who live at 6732 Rubens Court - Anthony Julien, 50, and Peter Julien, 57 - came home and interrupted a burglary in progress. They shot at thugs Brandon Martinez, 17, and Jonathan Rodriguez, 25. Police responded to the scene and Martinez was found dead in the home. Rodriguez was found in the driveway of 6825 Windstream Terrace - about a block away - with a gunshot wound. He is recovering at Orlando Regional Medical Center. No charges have been filed against the shooters.

● **Houston, Texas:** Jorge Guzman and his uncle were at home on Lima Drive in the early morning hours when a 19-year-old intruder broke in, making a loud noise. Guzman and his uncle barricaded themselves with a handgun in the back bedroom and called 911. "I hear somebody in the house. They're trying to open the door. Please hurry," he said. The dispatcher assured Guzman that sheriff's deputies were on the way. "Go and put your gun down because if you hear anything, it's going to be the deputies," the 911 dispatcher insisted. Guzman then saw a foot trying to break down his bedroom door. When the door broke and the man entered the bedroom, he had a big tattoo on his face. Guzman shot him. He ran out and was later arrested by police when they arrived. They also arrested a woman who was his getaway car driver.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Conroe, Texas:** Beginning in December 2008, the Texas Department of Public Safety started receiving an unprecedented number of applications of concealed handgun permits, said Tom Vinger, assistant chief of DPS media relations. During the first six months of 2009, DPS received an average of 12,700 applications per month, which is 46 percent more than the average for the first six months of 2008, which was 8,700. Most people are attributing the increase to the presidential election of Barack Obama because people started fearing their right to bear arms may be limited under his administration.

● **Louisville, Kentucky:** Pastor Ken Pagano resigned his post last month at the New Bethel Church in Louisville, Kentucky, after nearly 30 years in the ministry, saying he wants to focus on Second Amendment and church-security issues. "Thirty years was a good, long run, but it's time for a change," Mr. Pagano said in an interview with *The Washington Times*. "If I can write my own ticket, I want to get involved more in Second Amendment issues as they affect the church, and I can do more from outside the pulpit than from behind it." Mr. Pagano co-founded the International Security Coalition of Clergy to "make the vulnerable less vulnerable."

● **Chesterbrook, Pennsylvania:** A Pennsylvania gun owner named Tony Jackson may have been the first person ever fired for looking at Web sites featuring gun parts. Jackson worked as a Lotus Notes administrator at Planco, a subsidiary of Hartford, Connecticut-based insurance company The Hartford. Jackson is a firearms instructor and self-described Second Amendment advocate who, while at work in May 2007, visited Web sites including shotgun maker Mossberg and Impact Guns's online store because he and his wife were planning on going skeet shooting and she needed a replacement part for her shotgun. Supervisor Christie Vasquez, who says she's "very anti-gun," reported Jackson and got him fired. Gun owners should avoid The Hartford for insurance as long as it is managed by "very anti-gun" supervisors.

● **Princeton, New Jersey:** Gallup's annual Crime Poll has found a new low of 44% of Americans saying the laws covering firearm sales should be made more strict. That is down 5 points in the last year and 34 points from the high of 78% recorded the first time the question was asked, in 1990. Today, Americans are as likely to say the laws governing gun sales should be kept as they are now (43%) as to say they should be made more strict. Until this year, Gallup had always found a significantly higher percentage advocating stricter laws. At the same time, 12% of Americans believe the laws should be less strict, which is low in an absolute sense but ties the highest Gallup has measured for this response.

● **Pittsburgh, Pennsylvania:** After months of nation media, Christine Brashier, a student threatened with punishment for attempting to form a gun-rights group at Community College of Allegheny County (CCAC) is finally allowed to distribute pamphlets about the group on campus. The college has also rescinded its unconstitutional policy demanding "prior written approval" for "personal contact with individuals or groups related to non-sponsored college material or events." After Brashier, who wanted to form a chapter of Students for Concealed Carry on Campus (SCCC), was told that her pamphlets were unacceptable "solicitation" and that any further efforts would be considered "academic misconduct," she turned to Foundation for Individual Rights in Education (FIRE) attorneys for help, who vigorously persuaded the college to change all its objectionable policies.

● **Tyler, Texas:** The father of a four-year-old girl says he accidentally left a loaded handgun in his daughter's overnight bag, which and was found at St. Gregory Catholic School. Now, a Smith County grand jury will decide what punishment the father faces. Tyler police say his name is protected. But, Officer Don Martin says he could face harsh punishment. "Endangering a child, which means that you're either reckless or negligent in causing possible injury to a child that's less than 15 years old, or death - that's a state jail felony," said Martin. "Then there's another violation which if you read the law, it says you're prohibited from carrying a handgun onto a school premise and that's a third degree felony."

Parting Shot

ZERO TOLERANCE FOR ZERO TOLERANCE

"Zero Tolerance" is officially a thing of the past in Waco, Texas schools.

The Waco Independent School District board of trustees recently approved the 2009-10 Code of Conduct, which includes the requirement that district staff consider specific factors when issuing out-of-school suspensions and expulsions and when making placements to the disciplinary alternative education program.

Those mitigating factors include:

- self-defense,
- student disability,
- student's disciplinary history and
- intent or lack of intent at the time the student engaged in the conduct.

Previously, considering them was a recommendation rather than a requirement.

Texas state legislators were still hearing stories about mitigating factors not being considered, said Rep. Dora Olivo (D-Fort Bend), which led her to introduce legislation making it a requirement.

"It's not always black and white. Sometimes you've got to look at those mitigating factors," Olivo said. "It's really a way to help school districts use more common sense in their decisions."

Royce Avery, WISD director of secondary education, said, "As a district, we try to look at these every time we apply discipline."

Then there's the case of Zachary Christie, a six-year-old boy in Newark, Delaware, who made the front page of the *New York Times* as the poster child for why "zero tolerance" is stupid: He was suspended from first grade and sentenced to 45 days of reform school for bringing his Cub Scout camping tool, which includes a fork, spoon and knife, to his school. He wanted to use it to eat his lunch.

The Times said that, based on the code of conduct for the Christina School District, where Zachary is a first grader, school officials had no choice. They had to suspend him because, "regardless of possessor's intent," knives are banned.

Zach was homeschooled by his mother, the PTA president, while the family appealed the suspension. They set up helpzachary.org to mobilize support.

It worked. Turns out Zachary's school board *did* have discretion (the liars).

Under media and parental pressure, the board redefined a blade less than three inches as an "instrument," not a weapon - penalty, five days of suspension.

Zach is back in school.

Would we fire school officials who act like robots? Yes, we would. As the famous movie line said, "These aren't the droids we're looking for. Move along."

Alan M. Gottlieb

Joseph D. Tartaro

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