

# The Gottlieb-Tartaro Report

**THE INSIDERS GUIDE FOR GUN OWNERS**

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Issue 183  
March, 2010

Dear Subscriber,

Gun owners can thank Senator TOM COBURN (R-OK) and all gun rights members of Congress for **authorizing citizens to carry firearms into National Parks and Wildlife Refuges** as long as they are allowed by state law.

**The gun rights measure** was an amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009. **It passed the Senate 90-5** and the House of Representatives **361-64**. The Bill was signed into law by Barack Obama on May 22, 2009.

The new law went into effect late last month, **marking the return of lawfully carried firearms in the National Park system and the National Wildlife Refuge System.**

The law **overturns rules adopted during the early 1980s** severely restricting firearms in national parks, which generally required that **guns be locked away and kept separate from ammunition.**

The new law's title is "Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service."

**Its key provision** is that the Secretary of the Interior **"shall not promulgate or enforce any regulation"** that **prohibits an individual from possessing a firearm in any unit of the National Park System or the National Wildlife Refuge System.**

That's limited by two exceptions: if -

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

**The law will continue to prohibit guns** in national park facilities such as **visitor centers and ranger offices**, but it's up to private operators of concession facilities like **lodges and restaurants** to decide whether firearms are permitted there.

**The change does not give visitors permission to fire their guns**, only to possess them. Hunting still isn't allowed in national parks, but **is welcomed at more than 300 hunting programs on national wildlife refuges and on about 36,000 Waterfowl Production Areas.**

Predictably, **anti-gunners raised false alarms.** TOM SHOWALTER of left-leaning Asheville, North Carolina, told a *Citizen-Times* reporter that he spends a lot of time pedaling the Blue Ridge National Parkway and doing volunteer trail maintenance in the Smokies. He said it's **an invitation to violence.**

"It's a bad law," said SHOWALTER, who teaches history at Warren Wilson College. "It just **brings people with guns into contact with people without guns.** It's totally unnecessary."

But gun-rights advocate **U.S. Rep. HEATH SHULER, D-NC**, says people should be able to **carry guns in national parks as a means of protection - growing crime** in the federal land systems is what brought the issue up in the first place.

SHULER was among **105 Democrats who joined 174 House Republicans who voted in May in favor of the gun measure.**

**Also in this issue:** ● *Guns Save Lives national update* ● *Seattle parks gun ban is struck down* ● *Colorado University Board approves gun ban* ● *West Virginia considers concealed carry without license* ● *Cuba "amnesty" allows registration of illegal guns* ● *Mind-Free Zones in our Page 8 "Parting Shot"*

**GUNS IN  
NATIONAL  
PARKS**

## NATIONWIDE SELF-DEFENSE UPDATE

**Hesperia, California:** Jennifer London, 23, broke out the front window of a home on Maple Avenue and stuck her head through. The homeowner, who police declined to identify, heard someone trying to break into his house on a recent Saturday morning and yelled at the intruder he had a gun.

San Bernardino County Sheriff 's deputies said the resident feared for his family's safety and fired at the suspect causing her to flee.

She was located a short time later with a bullet wound to her chest and was taken to Arrowhead Regional Medical Center.

Amazingly, the bullet passed through her body without hitting any vital organs or arteries, according to investigators. She was treated and turned over to waiting deputies and taken to West Valley Detention Center. Authorities said the homeowner acted in self-defense.

**Houston, Texas:** Houston police said 23-year-old Roosevelt Jackson Jr. tried to break through a window to get into a home on Blueberry Lane at about 9:30 a.m. "The homeowner was awakened by breaking glass and the movement of a dresser in the front window," said M.F. Waters of HPD Homicide.

The homeowner woke up, grabbed his shotgun and fired shots as the man was going through the window. "I was walking by and heard 'boom, boom, boom,' and saw a guy fall out of the window," witness Shern Scott said. The intruder fell out of the window into the yard and died.

The case was referred to a Harris County grand jury without charges.

**Lancaster, Pennsylvania:** 17-year-old Julian Skye Malave entered Mangat's Mini-Mart on East Liberty Street at about 9:30 p.m., pointed a handgun at store employees and demanded money, police said. One of the clerks hit the silent panic alarm to police, then took the store gun from under the counter and fired shots at Malave, who then ran from the store.

About 30 minutes later, a male was admitted to the hospital with a non-life-threatening gunshot wound, and responding police identified the would-be thief. Malave was arraigned on robbery charges when he was released from the hospital.

**Winter Haven, Florida:** Robert Rowley, 70, of 28 Henry Drive, awoke to the sound of a motion sensor alarm about 2:15 a.m. and grabbed his handgun and flashlight to investigate. He found Matthew Alan Clinage, 20, and Christopher Polson, 21, trying to cut the cables to the battery packs on Rowley's golf cart. When he challenged them, one began to walk in Rowley's direction, and Rowley fired at them.

The two fled in their truck and went to Winter Haven Hospital with gunshot wounds. Clinage was struck in the leg and Polson in the head and neck area.

Deputies responded to the hospital and charged the two with grand theft and burglary of an occupied residence. Clinage was also charged with violation of community control for a previous conviction of grand theft of a firearm.

Clinage was treated and taken to the Polk County Jail, while Polson was taken to Tampa General Hospital in stable condition. He was booked into the jail later.

**Phoenix, Arizona:** 26-year-old Rudolph Gomes was seen breaking into a coin operated car wash machine near Tatum Boulevard and Union Hills Drive around 12:30 p.m. A witness followed Gomes and called police.

Gomes vanished into the neighborhood, but when officers arrived and set up a perimeter, they heard a 'pop.' Police then received a call that a homeowner had shot an armed intruder, Phoenix Police Sgt. Tommy Thompson said.

The 59-year-old homeowner told police Gomes tried to rob him at gunpoint but he was able to get a shotgun and shoot the intruder. The injured Gomes was taken to a local hospital where he died of his injuries.

**GUNS SAVE  
LIVES**

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**SEATTLE PARKS GUN BAN STRUCK DOWN**

King County Superior Court Judge Catherine Shaffer has ruled in favor of a lawsuit filed by the Second Amendment Foundation and National Rifle Association, striking down a ban on guns in city parks because it violates Washington State's long-standing preemption statute. She ruled from the bench that the gun ban, adopted under former Mayor Greg Nickels, violates Washington's law, which placed sole authority for regulating firearms in the hands of the State Legislature. That law was adopted in 1983 and amended in 1985, and has served as a model for similar laws across the country. SAF and NRA were joined in the lawsuit by the Citizens Committee for the Right to Keep and Bear Arms, the Washington Arms Collectors and five individual plaintiffs.

**IN THE COURTS**

**GRAD STUDENT SUES UNIVERSITY OF KENTUCKY FOR GUN-RELATED FIRING**

Michael Mitchell, a University of Kentucky graduate student, has sued the university, claiming he was wrongfully fired from his job at the UK Chandler Medical Center because he had a handgun in his car. Mitchell, who had a permit allowing him to have a concealed weapon, was working as an anesthesia technician at the medical center in April 2009, when he was fired. Mitchell contends that under state law he was allowed to have the gun in his car and that state law supersedes UK rules. Mitchell has not been able to find another job. He said he thinks his being fired from UK has something to do with that.

**SEVENTH CIRCUIT WILL REHEAR U.S. V. SKOIE EN BANC**

The full Seventh Circuit court will rehear the case in which a unanimous panel vacated – on Second Amendment grounds – a conviction for gun possession by Steven M. Skoien, a misdemeanor convicted of domestic violence. The panel remanded the case for further proceedings to determine whether the government has the power to enforce the Lautenberg Amendment's blanket ban on firearms possession by persons convicted of a domestic violence misdemeanor.

**WASHINGTON STATE SUPREME COURT: 2ND AMENDMENT APPLIES TO STATE VIA 14TH AMENDMENT**

In a recent case involving a 17 year old in possession of a handgun who was arrested by police for having it, Washington state claimed it had the legislative right to restrict who may or may not possess a firearm. The State Supreme Court disagreed, saying the state's law "unconstitutionally infringes on the right to bear arms protected by either the United States or Washington Constitutions. We hold the Second Amendment applies to the states via the Fourteenth Amendment due process clause."

Five of the six justices concurred with the ruling. The dissenting justice felt the court didn't go far enough in protecting the right. The decision noted that the U.S. Supreme Court explicitly avoided this question in *Heller*, which ruled the Second Amendment to be an individual rather than collective right.

**JUDGE QUESTIONS JURY'S FINDING IN NIGHTCLUB GUN CASE**

In another Washington State case, Cowlitz County Superior Court Judge Jim Warme told attorneys that he doubts Brian Barnd-Spjut, a 29-year-old Longview man, acted in self defense when he pulled his legally-carried gun on four employees of a night club last year. Judge Warme also said key mistakes were made in the final phase of Barnd-Spjut's assault trial and, in an unusual move, said he may act unilaterally to prevent Barnd-Spjut from collecting his attorney's fees from the state. A jury acquitted Barnd-Spjut of four counts of second-degree assault with a firearm a month earlier. Bouncers at Kesler's Bar & Grill hauled Barnd-Spjut down a hallway the night of March 28 following a dispute over a \$5 cover charge.

Barnd-Spjut spun around with a gun in his hand after the bouncers shoved him into an alley behind the club. His attorney, Duane Crandall, argued during the trial that Barnd-Spjut believed he was about to be beat up because Kesler's bouncers had a reputation for attacking patrons.

### **ALABAMA SENATE VOTES TO ALLOW GUNS IN CARS AT WORK**

Democratic Sen. Roger Bedford of Russellville got the Senate to vote 26-2 for his bill. "This vote is about one thing only: Do you support Second Amendment rights?" Bedford told the Senate. His bill would ban businesses from having policies that prohibit legal firearms from being transported to the businesses' parking lots. But the guns must be locked out of sight in the glove box or trunk of private vehicles. Sen. Del Marsh (R-Anniston) said many companies, including his own firm, Industrial Plating Co., have policies against bringing guns to work because they want to provide a safe work-place. He criticized the bill, but ended up voting for it.

**IN THE STATES**

### **COLORADO STATE UNIVERSITY BOARD APPROVES PLAN TO BAN GUNS ON CAMPUSES**

Following up on a December vote to ban concealed weapons at Colorado State University, the institution's Board of Governors unanimously approved a plan today to put the new policy into effect, according to *The Coloradoan*, a newspaper in Fort Collins. The decision has split the two-campus system, with faculty and staff members supporting the ban and students opposing it. Pro-gun groups have vowed to challenge the new policy in court, asserting that it represented a violation of the Second Amendment.

### **BILL TO ALLOW GUNS IN CARS AT ATLANTA AIRPORT**

Georgians with concealed weapons carry permits would be allowed to keep guns in their vehicles when dropping off or picking up passengers at Hartsfield Jackson Airport under a bill that passed out of a Senate committee. Sen. Jack Murphy (R-Cumming), chair of the Senate Public Safety Committee, says SB 291 fixes a problem with current law. "If I take my hunting rifles with me in my case and I pull up to the airport, I'm in violation of the law," he says. Sen. Valencia Seay (D-Riverdale), whose district includes the airport, was the only member to vote in opposition to the measure. The measure now goes to the Senate Rules Committee.

### **INDIANA LEGISLATORS ADVANCE GUNS-AT-WORK BILL**

An Indiana Senate committee has endorsed a House bill that would allow people to bring most firearms to the workplace, if the weapons are kept in a locked vehicle. A spokesman for the Indiana Manufacturers Association voiced concerns about the potential for employers to be held liable if a worker is injured. The bill's author, Rep. Bob Bischoff (D-Greendale) believes the bill uses common sense to draw the line between Second Amendment rights and business liability. The bill allows firearms to be prohibited from school-owned properties, some child care centers and domestic shelters, and correctional facilities.

### **IOWA BILL SEEKS TO STANDARDIZE CONCEALED CARRY PERMITS**

A bill before the legislature would change regulations for acquiring a permit to carry a concealed weapon. Currently, each county has its own standards and local sheriffs have the discretion to grant the permit. Monroe County Sheriff Dan Johnson says he believes people should have the right to carry, and if they pass the requirements, he will grant them. Supporters of the new legislation say Iowans that pass a background check and proper training should have the right to carry. "The basic content of the bill still gives some sheriff's discretion," said Jeff Medina, Appanoose County Coordinator of IowaCarry, which supports the bill.

### **KANSAS FIREARMS FREEDOM ACT INTRODUCED**

The Kansas Firearms Freedom Act, House Bill 2620, crafted by The Kansas State Rifle Association was introduced in the Kansas House of Representatives by Rep. Ray Merrick and several co-sponsors. The Firearms Freedom Act (FFA) is a Tenth Amendment challenge to abuse of the "commerce clause," with firearms as the object. Originally introduced and passed in Montana, the FFA declares that any firearms made and retained in-state are beyond the authority of Congress under its constitutional power to regulate commerce among the states.

### **MAINE PROPOSES TO KEEP GUNS OUT OF PARKS**

A proposal pending before the Legislature's Criminal Justice Committee, LD 1737, would essentially maintain the old law that has been on the books for several decades. That law generally prohibits firearms within park boundaries but allows visitors to carry unloaded guns through the park as long as the firearms have been dismantled or rendered inaccessible. The new federal law, as well as LD 1737, would only affect gun owners who desire to visit Acadia National Park and the St. Croix Island International Historic Site or to hike Maine's section of the federal Appalachian Trail. The laws would not affect Maine's federally owned national wildlife refuges or the White Mountain National Forest, where hunting is permitted.

**IN THE STATES**

### **MARYLAND TRIES "ASSAULT WEAPONS" BAN - AGAIN**

SB 516, introduced by Senator Mike Lenett (D - Montgomery County), would designate "specified firearms as assault weapons; prohibiting with specified exceptions a person from transporting an assault weapon into the State or possessing, selling, offering to sell, transferring, or receiving an assault weapon; requiring the Handgun Roster Board to compile and maintain a roster of prohibited assault weapons; etc." The same bill was introduced in 2007 as SB 43, but never made it out of committee. Maryland gun owners hope SB 516 suffers the same fate.

### **MISSISSIPPI: CONCEALED WEAPONS IN PUBLIC PARKS AND RESTAURANTS?**

Senate Bill 2153 has passed the Senate on a 48-3 vote and was sent to the state House and was assigned to the Judiciary B Committee. It must also pass the House and be signed into law by the governor. It would allow people with concealed weapon permit the right to carry a concealed firearm in parks, restaurants, etc. "The bill only applies to people who have a gun permit," said state Sen. Merle Flowers of Southaven, who authored the bill. It also allows for any city or county to continue the ban of concealed weapons in parks within their boundaries.

### **UTAH LAWMAKERS PASS FIREARMS FREEDOM ACT**

The Utah Legislature has passed its Firearms Freedom Act, despite concerns over an expensive legal fight at a time when the budget is already stretched thin. Senate Bill 11 was passed by the Utah House 56-17. The proposal mirrors Montana's law passed last year that's intended to trigger a federal court battle. The bills would allow guns made in the respective states to be exempt from federal gun registration rules like background checks and dealer-licensing.

### **SLEW OF GUN BILLS PASS IN VIRGINIA**

The Virginia General Assembly has passed a host of bills aimed at scaling back the state's gun laws, including a repeal of the one-handgun-a-month law that won approval in the House. The proposed abolition of the 17-year-old limit cleared the Republican-majority chamber on a 61-37 vote. Pro-gun lawmakers argued background check technology has made the law obsolete.

### **WEST VIRGINIA: CONCEALED CARRY WITH NO LICENSE BEING CONSIDERED**

Delegate David Walker (D-Clay) introduced House Bill 4235, which eliminates the requirement of a license to carry a concealed weapon. HB 4235 also partially strengthens preemption, cleans up confusing and contradictory hunting laws regulating handguns, and maintains optional concealed weapon licenses for West Virginians to be able to carry in other states via reciprocity.

### **WYOMING HOUSE OKS CONCEALED CARRY BILL**

The Wyoming House of Representatives has passed legislation under which a permit would no longer be required to carry a concealed weapon in Wyoming. If passed into law, Wyoming would become the third state, after Alaska and Vermont, to allow conceal-carry without a permit. The bill, House Bill 113, passed 42-15. The bill now goes to the Senate, where it is expected to get close scrutiny.

**GUN NEWS TICKER - QUICK TAKES ON THE NEWS**

● **Washington, D.C.:** There will be a Second Amendment March in Washington, D.C., on April 19, 2010, from 10:00 a.m. to 4:00 p.m. Attendees will gather on the northeast corner of the Washington Monument grounds at 10:00 a.m., and the entire event will take place there (due to logistics, the event will be more of a "rally" than an actual march). It is sponsored by the "Second Amendment March," whose mission is, "to galvanize the courage and resolve of Americans; to petition our elected officials against anti-gun legislation; and to remind America that the Second Amendment is necessary to maintain our right to self defense."

● **Montgomery, Alabama:** The 'way-Left Southern Poverty Law Center (SPLC) went ballistic over that Second Amendment March, an event being led by Grand Rapids Gun Rights Examiner Skip Coryell. SPLC calls itself a civil rights organization teaching tolerance, but doesn't seem to think the Second Amendment is a civil right or have much tolerance for guns. Here's the latest from SPLC's "Hate Watch" page: "Gun rights advocates, including some in the antigovernment "Patriot" movement for whom the specter of gun restrictions is a recurring theme, are planning to march in Washington, D.C., and some individual states on April 19." Who's the hater here?

● **Seattle, Washington:** When Starbucks said "No" to the Brady Campaign's no-gun policy pressuring businesses, a national gun rights group applauded the coffee giant for allowing guns in its stores. "Starbucks has not only done the right thing, but a very courageous thing. They have essentially said 'Look, we are a business. We're not into politics, we're into selling coffee to anybody who wants to buy it,'" Dave Workman, spokesman for Second Amendment Foundation and senior editor of *Gun Week*, told KIRO Radio's Frank Shiers. Workman said businesses absolutely have the right to refuse a gun carrying customer, but it's a good way to risk losing future customers.

● **Augusta, Maine:** Gubernatorial candidate Rosa Scarcelli declared in a written statement that she is the only Democratic candidate in favor of mandatory criminal background checks for the purchase of firearms in Maine. But her Democratic opponents say the law cannot be enforced, and that there are circumstances in which guns should be allowed to be transferred or sold without background checks.

● **Newtown, Connecticut:** In a year when one word, "fewer," described life in America - fewer jobs, fewer home sales, fewer purchases - hunters were responsible for generating a welcome "more" category, as hunting license sales rose by 3.5 percent in 2009 in states that make up NSSF's Hunting License Sales Index. The 12-state index comprises several states from four main regions of the United States. Nine of those states recorded hunting license sales increases from January through December of 2009 over the previous year, according to Southwick Associates, a research firm that monitored the license sales information.

● **Artesia, New Mexico:** While Federal agencies scramble to meet President Obama's demand that armed Federal officers cover substantially more flights, the TSA is refusing to unshackle thousands of Federal officers who are ready, willing, and able to defend our nation's airlines. Federal Flight Deck Officers (FFDOs) are pilots who have volunteered, passed background and psychological testing, and graduated from the Federal Law Enforcement Training Center near Artesia. But they are currently required to lock their weapons whenever they are outside of the cockpit. This locking requirement, cited by a Department of Homeland Security Inspector General report as being an unsafe practice, prevents FFDOs from serving as counter-terrorism force multipliers when traveling in the cabin or through airport terminals.

● **Columbus, Ohio:** Ohio Republican Party Chair Kevin DeWine has maneuvered a pro-gun candidate out of his party's primary race for attorney general, giving his anti-gun cousin Mike an unopposed run. Democrats took their turn at shafting pro-gun voters in their primary race for Secretary of State. State Representative Jennifer Garrison (D-93), has been forced out of the Democrat primary by party leaders concerned about her positive stance on gun rights.

**GUN NEWS TICKER - QUICK TAKES ON THE NEWS**

● **Bhopal, India:** Two years ago, men in the Gwalior-Chambal region were asked by Shivpuri district population-control official Manish Srivastva to get themselves sterilized in exchange for a gun license, the ultimate symbol of manliness in India. Many got vasectomies, but the promised gun license hasn't come yet. A group of 84 sterilized men want their gun licenses, so they asked India's home minister P. Chidambaram and the newly formed National Association for Gun Rights in India to press their case. District chief medical officer A.K. Dixit said that with the licenses proving elusive, vasectomy queues had dried up, too. At a recent camp in Shivpuri, only two elderly men turned up. Abhijeet Singh, co-ordinator of the National Association for Gun Rights in India, said the 2008 scheme was a "gross violation" of human rights. "Backing out of a deal is no way of promoting population stabilization." The home minister's intervention is yet to come.

● **Washington, D.C.:** The *Washington Post* recently wrote, "In the land of Mahatma Gandhi, Indian gun owners are coming out of the shadows for the first time to mobilize, U.S.-style, against proposed new curbs on bearing arms." Recall that Gandhi himself famously said that, "Among the many misdeeds of the British rule in India, history will look upon the Act depriving a whole nation of arms, as the blackest." The National Association for Gun Rights in India held its first-ever meeting in January. The group was motivated first by the Mumbai terrorist attacks in November, 2008, where slow government response, coupled with draconian gun laws, left victims murdered without self-defense. The last straw was a recent proposal by the Indian government to make the already onerous gun laws yet worse. Indians have learned that you don't ask for human rights such as self-defense, you demand that your government protect them. Regardless what the United Nations says.

● **Guatemala City, Guatemala:** A report by the *Diario de Centroamerica* newspaper says that, regardless of their profession, more and more women are acquiring weapons and are registering them with the Digecam regulatory agency. Some 9,200 weapons have been registered at that agency in the name of women, a figure that represents 4 percent of the total weapons registered. Digecam assistant director Guillermo Mejia said that while it is not very common for women to approach the institution, each day they are showing more interest in carrying a firearm for self-defense. What is motivating women to arm themselves, the official told the newspaper, is the need to feel more secure and protected, because many of the women own businesses and have been the victims of crime.

● **London, England:** New statistic reports show that a British householder is attacked by a violent burglar every 30 minutes. According to the British Crime Survey, householders came face-to-face with burglars in 20 per cent of domestic burglaries last year. Violence was either used or threatened in 59 per cent. It was actually used in 40 per cent of cases. Tories estimated that householders came face-to-face with burglars in 57,000 - 20 per cent - of burglaries. Of these, 23,000 resulted in the burglar using violence against the householder. The shocking statistic exposes for the first time the epidemic of terrifying intruder attacks taking place in Britain. It will intensify demands for householders to be given greater protection if they use force to protect themselves and their family against a burglar.

● **Havana, Cuba:** Cuba has declared a two-month amnesty for citizens to register unlicensed guns, and says those passing aptitude and psychological tests will be allowed to keep their weapons. The move is unusual in a state where almost no one except some active military personnel and plain-clothed state security agents are allowed to possess weapons. Even most police officers are required to leave their pistols at the station or in a regional barracks when on vacation or leave, and young men participating in mandatory military service are given unloaded firearms for most exercises. According to a bulletin carried by state news media, gun owners must "maintain conduct consistent with the appropriate norms of social behavior, meet security and protection conditions for the firearms and pay established taxes."

# Parting Shot

## STATEN ISLAND SCHOOLS ARE "MIND-FREE ZONES"

This is so ridiculous it sounds like something from an imaginary reality show called *The World's Dumbest School Principals*.

But we didn't make this up. It really happened last month.

A Staten Island fourth grader, Patrick Timoney, was nearly suspended for having a LEGO set that included a toy gun that was all of two inches long.

Wow! A two-inch LEGO! This kid must be a Mafia hit man! Help! Help!

Principal Evelyn Matroianni caught Patrick with the miniature firearm in the P.S. 52 cafeteria in South Beach and dragged the 9-year-old to her office like an Islamic terrorist.

Only it was the kid who was terrified and the principal who was playing the terrorist part. Matroianni grabbed the phone and got Patrick's mother on the line.

We can imagine the dialogue (which the school declined to release):

"Your son has a gun and he's looking at hard away-from-school time."

"A gun?"

"Yes, Ms. Timoney, a gun. And a sawed-off gun, at that."

"Sawed-off?"

"Yes, Ms. Timoney, sawed-off. It's a two-inch machine gun."

"You don't saw off machine guns, Ms. Matroianni."

"Well, this one is. And it's made of very dangerous plastic. If Patrick had dropped it into someone's lunch, and a student had swallowed it, the results could have been fatal choking from gun violence."

"I'm having a hard time swallowing this, Ms. Matroianni. Perhaps you should seek advice from a superior."

The principal duly consulted with a Department of Education official, who immediately envisioned the headlines and lawsuit, and told her to back off.

But another DOE spokesman told the Staten Island *Advance* that "toy guns are not allowed in schools" and that Patrick would not be allowed to bring it back in.

No one's sure if the tiny gun came with the LEGOs or if Patrick got it from a toy gun trafficker on the streets, some fifth-grade thug who gets them from out-of-state straw purchasers (the kid's probably too terrified to talk).

Patrick's mother noted that another child had an action figure that was holding an ax, but he didn't get in trouble.

"Gun-Free Zone"? South Beach P.S. 52 sounds like a "Mind-Free Zone."

*Alan M. Gottlieb*

*Joseph D. Tartaro*

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