

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

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Dear Subscriber,

The United States Supreme Court has decided to let stand a lower court's ruling that **gun manufacture Glock is not liable for a white supremacist's 1999 shooting spree.**

After white supremacist **BUFORD FURROW** killed postal worker **JOSEPH ILETO** and wounded 5 others - including three children - at a Jewish Community Center in Grenada Hills, California, the shooting victims and ILETO's wife **filed a lawsuit demanding large money damage awards** against the manufacturers, marketers, importers, distributors, and sellers of the firearms related to Furrow's shooting spree.

The **Protection of Lawful Commerce in Arms Act** of 2005, which blocks such lawsuits against the gun industry, **resulted in the 9th Circuit Court of Appeals dismissing the case.** The Supreme Court has now refused to hear the plaintiffs' appeal of their dismissal. It's over.

Montana's Firearms Freedom Act lawsuit goes on: The Department of Justice has filed a reply memorandum in support of its motion **to dismiss state lawsuits to allow in-state guns immunity from federal laws.** Also, the Brady Center to Prevent Gun Violence has filed an *amicus curiae* brief **against state gun sovereignty.** Eight states, including Montana, are now asserting state gun sovereignty.

The most dangerous anti-gun argument is the "Supremacy Clause" of the U.S. Constitution (Article VI, Clause 2) which says the Constitution, federal statutes, and U.S. treaties are "the supreme law of the land," requiring state judges to uphold them, even if state laws or constitutions conflict.

The Supreme Court has limited the government's use of the Supremacy Clause in some cases, but has struck down state laws that obstruct "the full purposes and objectives of Congress."

It remains to be seen whether the **Second Amendment's "shall not be infringed" clause** can prevail over federal gun control statutes rejected by the Firearms Freedom Act when pitted against the Supremacy Clause.

Domestic Violence gun ban: In a rare en banc hearing, **the Seventh Circuit Court of Appeals** considered the constitutionality of a law making it a **federal crime to possess a firearm for those convicted of a misdemeanor crime of domestic violence.**

A three-judge panel, in an opinion by Judge Diane S. Sykes, **vacated a conviction under the statute** in November, concluding that **the government failed to establish a reasonable fit between reducing domestic gun violence and total disarmament of misdemeanants.** A decision is expected soon.

Ohio: Attorney General RICHARD CORDRAY has filed a brief in defense of Ohio's **statewide gun preemption law**, under attack in *The City of Cleveland v. State of Ohio* case, now pending before **the Ohio Supreme Court.**

The law, HB347, **passed with overwhelming support** in December 2006 **over Governor Bob Taft's veto**, the only Ohio veto-override in the past three decades. The Supreme Court will decide once and for all whether the preemption law is valid.

If it is valid, then - other than ordinances banning the discharge of firearms inside city limits and zoning laws - Ohio cities are out of the gun control business.

Three appellate judges, all former Cleveland or Cuyahoga County employees, had struck down the law, prompting the appeal to the state Supreme Court.

Also in this issue: ● *Mayor Pains: Bloomberg & Daley* ● *A.G. Holder "worried" about Georgia airport law* ● *New Hampshire allows gun display in conflicts* ● *Gun owner subdues bank robber with gun butt to face* ● *Elena Kagan on the Supreme Court* ● *Will hero get his gun back? in our Page 8 "Parting Shot"*

IN THE
COURTS

MAYOR BLOOMBERG AND HIS TWO PAINS

First Bloomberg Pain: The headlines say New York Mayor Michael Bloomberg is relaxing gun regulations to make them more streamlined, but the actual guidelines say it's a lot of flash and very little substance.

Under Bloomberg's "streamlined" licensing requirements, "renewal fees will go down and the application process will be speedier." Not likely. The one and only handgun licensing office is in Manhattan, and the only rifle and shotgun office is in Queens.

The handgun application fee is \$340, with a \$94.25 fingerprinting fee - outrageously expensive. And a carry permit requires you to prove a need. Not very relaxed.

Paul Helmke, president of the Brady Campaign to Prevent Gun Violence, told the *New York Times* that Bloomberg is relaxing the rules because they won't stand up if gun-rights advocates win the McDonald case against Chicago's handgun ban.

So, Mayor Bloomberg's "relaxed" gun rules are just hypocritical damage control to hide behind in case New York gets sued after a McDonald win.

Second Bloomberg Pain: As if that weren't enough, Bloomberg has told the Senate Homeland Security Committee he wants to close a "terror gap" in the nation's gun laws by denying the right to buy a gun to the million and a half people on the government's "Terror Watch" list and "No Fly" list, almost none of whom have a criminal record.

**MAYOR PAINS:
BLOOMBERG
& DALEY**

MAYOR DALEY AND HIS TWO PAINS

First Daley Pain: The mayor was holding a press conference to discuss what the city was doing to prepare for the Supreme Court's expected decision to overturn the city's gun ban, and, as usual, Daley dodged the question, with vague remarks like, "All sorts of things," and "We'll hope for the best."

Then reporters asked him about the fact that, despite having some of the most restrictive laws in the country, Chicago is a national leader in shootings and murders. The mayor himself had just noted that "we've seen far too many instances in the last few weeks" of criminal violence, including a shooting that left a cop dead just the night before.

Then, Mick Dumke, reporter for *The Chicago Reader* (and adjunct journalism professor at Northwestern University) asked, "Since guns are readily available in Chicago even with a ban in place, do you really think it's been effective?"

Daley came unhinged. "Oh!" he said. "It's been very effective!"

He grabbed a rifle from a table full of guns seized from Chicago criminals, held it up, and looked right at Dumke. He was chuckling but there was no smile.

Daley said, and this is a direct quote from Dumke, "If I put this up your - ha! - your butt - ha ha! - you'll find out how effective this is!"

For a moment the room was very, very quiet. Dumke took a good look at the weapon. It had a long bayonet. He asked himself, "Was it seized during the Civil War?"

Daley the Mayor of Murderland, USA, said, "If I put a round up your - ha ha!"

Threatening to shoot a reporter is bad manners, and also illegal, but nobody arrested Richard Daley. He later said he regretted the remark. Yeah.

Second Daley Pain: The Mayor spoke before the World Court in The Hague, Netherlands, and called for international "redress against the gun industry," telling the court, "This is coming from international mayors. They're saying, 'We're tired of your guns, America.'"

We're not making this up, he really said that. Well, if you're afraid you can't ban guns with American laws, just call in the international cops.

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MEXICAN PRESIDENT TO CONGRESS: RESTORE "ASSAULT WEAPONS" BAN

Mexican President Felipe Calderon can't control crime in his own country, so he urged U.S. lawmakers to reinstate the expired ban on so-called "assault weapons" during a recent joint-session address to Congress.

Calderon claimed he respected the U.S. Constitution's guarantees on gunowners' rights, but called for eliminating the legal sale of semi-automatic firearms in the United States.

Mexican drug gangs, who are locked in a violent war with the Mexican government, steal the weapons and use them to commit crimes that Calderon's government is too weak to stop. Democrats gave Calderon a round of applause, along with a few Republicans.

**ON THE
FEDERAL
LEVEL**

ERIC HOLDER CALLS GEORGIA AIRPORT CARRY BILL WORRISOME

United States Attorney General Eric Holder testified at a Senate Subcommittee that Georgia's SB 291, protecting the right to carry in non-federal parts of airports, is "very worrisome" because it might permit terrorists to seize an airliner.

SB 291 does not have any effect on airport areas under federal control. It only affects carrying in the public areas of Georgia's airports, such as the parking lots, baggage claim, and rotunda of Atlanta's Hartsfield.

That's just Obama politics: 40 other states already allow the same thing.

Is Obama's Holder "very worried" about a terrorist problem in 80% of the states? Even California permits licensed carriers to bear arms in the public areas of its airports. See the next story for a related Democrat gun control move.

LAUTENBERG INTRODUCES BILL TO THWART GEORGIA AIRPORT CARRY LAW

Sen. Frank Lautenberg (D-NJ) has introduced legislation to make it illegal to carry a gun into non-federally regulated areas of an airport, such as the airport lobby, baggage claim area and ticket counter - revenge for Georgia's carry bill. It would exempt law enforcement, military personnel and security officers.

A "Gun-Free Zone" sign will scare away bad guys. Lone women walking from baggage claim to the parking lot at midnight will be easy targets for assault.

MORE SUPPORT TO CHANGE BI-WEEKLY GUN AND AMMO EXCISE TAX TO QUARTERLY

The National Shooting Sports Foundation has announced 37 more groups and seven more co-sponsors supporting S. 632, the Firearms Fairness and Affordability Act, changing the tax payment schedule for guns and ammunition sales from bi-weekly to quarterly payments. The tax rate stays the same, only the super-fast payment period is changed to the reasonable quarterly timing allowed for other businesses.

Sen. Max Baucus (D-MT), said the paperwork reduction savings would be about \$21.6 million dollars a year: "The industry could use that saving for investment in researching and developing new products, purchasing new manufacturing plants and equipment, and communicating with the hunting and shooting sports community."

GUN SHOW BILL MAY GET JUDICIARY HEARING

The Brady Campaign to Prevent Gun Violence has convinced Rep. Bobby Scott (D-VA) to hold a hearing on legislation to require FBI background checks on all gun purchases at gun shows. Scott chairs the Subcommittee on Crime, Terrorism and Homeland Security of the House Judiciary Committee, and told gun control leaders he would hold the hearing soon.

WILL THE TERRORISM "WATCH LIST" STRIP CITIZENS OF THEIR GUN RIGHTS?

Senate Bill S. 1317 (Sen. Frank Lautenberg, D-NJ) would grant the U.S. Attorney General the power to deny ownership of a firearm to anyone he "has a reasonable belief" might use it for terrorism. That would strip gun rights from anyone on the 1.5-million-name terrorism "watch list" without due process and without any more reason than one government official's personal decision. The list is riddled with errors and mistaken identities. Just another Obama stealth gun control measure.

ALASKA JOINS THE FIREARMS FREEDOM REBELLION

Alaska has become the eighth state to declare that firearms made, sold and owned in the state are beyond the reach of federal bureaucrats, with Gov. Sean Parnell's signature on the plan.

"The Alaska Firearms Freedom Act frees Alaskans from overly bureaucratic and restrictive federal firearm regulation, and allows our state to assume the responsibility for regulation," said Rep. Mike Kelly, the lead sponsor on the plan endorsed by lawmakers in the recent session of the Alaska Legislature.

"The Interstate Commerce Clause is used by the federal government to regulate firearms that cross state borders. The Alaska Firearms Freedom Act makes it clear that Alaskans will be responsible for firearms that are made in Alaska, for use in Alaska, and have 'Made in Alaska' stamped on them.

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"Outdoorsmen, hunters and all Alaskans defending and feeding their families, and protecting their property, should welcome this new law," he said.

TWO GUN BILLS ON GEORGIA GOVERNOR'S DESK

The Georgia General Assembly passed two major gun bills which are now sitting on Governor Sonny Perdue's desk awaiting a signature or veto.

SB 308 repeals Georgia's 140 year old public gathering law and replaces it with a more easily understandable, and shorter, list of places off limits to carrying guns.

SB 291 would decriminalize the carry of firearms in Georgia airports (like 40 other states) with clear language. It would also make licensing renewals easier, and prohibit government seizure of firearms during a time of declared emergency.

BILL TO ALLOW GUNS AT STATE PARKS PASSED BY LOUISIANA SENATE

The Louisiana Senate overwhelmingly endorsed legislation that will allow people to have firearms in state parks, wildlife management areas and state historic sites.

The Senate voted 36-0 for the measure Senate Bill 534 sponsored by state Sen. Troy Hebert (D-Jeanerette).

"It's not about hunting in state parks. It's about an individual's right to carry a firearm," said Hebert.

He said 41 states currently allow the practice which is supported by numerous gun rights groups nationwide.

The bill now heads to the House for debate.

MISSOURI HOUSE APPROVES GUNS IN BUSINESS PARKING LOTS

Missouri businesses could no longer prevent licensed concealed weapons in their parking lots under a bill recently passed in the House.

The Business Premises Safety Act would prohibit business owners from restricting any lawfully licensed firearm in vehicles parked in their parking lot.

Sedalia Republican representative and bill sponsor Stanley Cox said the law would make things safer.

"People fully have the right to possess the firearms that we have authorized previously in legislation, we are all safer," Cox said.

NEW HAMPSHIRE LAWMAKERS PASS PUBLIC GUN DISPLAY LAW FOR THREAT SITUATIONS

Displaying a gun to warn a potential attacker away would not be considered a crime under a bill to soften New Hampshire's law on deadly force that is headed to the governor's desk.

The Senate voted to pass the bill that would make it legal to respond to a threat by displaying a gun. It is more limited than an earlier bill that would have expanded the use of deadly force, which was vetoed by Gov. John Lynch in 2006. That proposal would have allowed the use of deadly force in public whenever someone felt threatened.

Lynch's office has not expressed any views about the new version.

NEW YORK MICRO-STAMPING BILL ADVANCES

Assembly Bill 6468C, a micro-stamping law sponsored by State Assemblywomen Michelle Schimel (D-16), advanced to its 3rd reading in the Assembly. The Senate version, Senate Bill 6005, was sponsored by State Senator Eric Schneiderman (D-31). Both A6468C and S6005 require semiautomatic pistols manufactured or delivered to any licensed dealer in New York be capable of micro-stamping ammunition and establish fines for violations. Micro-stamping is an unproven technology that

IN THE STATES

would require unique identifying information from the firearm, including the make, model, and serial number to be etched into the firing pin and breech face to imprint the identifiers on the cartridge case upon firing.

OHIO

Ohio Attorney General Richard Cordray has announced a new concealed carry reciprocity agreement with North Dakota, saying, "I am pleased to inform you that my office has negotiated another agreement to extend the concealed carry privileges of licensed Ohioans who are traveling in other states. North Dakota is the 20th state to enter into concealed carry reciprocity with Ohio. Important agreements such as this help law-abiding, licensed citizens exercise their constitutionally protected rights in a number of different states across the country."

Also, the Newark, Ohio, City Council is backing down on its plan to continue an old ordinance banning guns in parks. "I guess I would say the time for philosophical debate has passed. We have an absolute obligation on our part to bring our ordinance into compliance with the Ohio Revised Code," Law Director Doug Sassen said.

OKLAHOMA GOVERNOR'S VETOES TWO GUN BILLS

The Oklahoma House has failed to override Gov. Brad Henry's veto of legislation that would give some residents the right to openly carry guns in public. The House voted 65-29 vote to override Henry's veto of the bill, three votes shy of the two-thirds majority needed. Two-thirds of the 48-member Senate must also agree before a measure can become law without the governor's signature.

A group of Oklahoma state senators also failed to override their governor's veto of a bill that would exempt firearms and ammunition produced and kept in the state from federal regulations. The Republican-controlled Senate voted 28-16 with 36 votes needed to override Democratic Gov. Brad Henry's veto of the "Oklahoma Firearms Freedom Act." There was no debate.

PENNSYLVANIA LAWMAKERS PASS PRO-GUN BILL, REJECT THREE ANTI-GUN BILLS

The Pennsylvania House Judiciary Committee considered a flurry of gun-related bills; one that would expand the rights of gun owners and three that would limit them.

The legislation that passed would broaden the "castle doctrine," which offers protections to homeowners who shoot intruders who enter a dwelling. The measure that passed the committee, with support from Democrats, would now apply to intruders on a porch or deck or in a vehicle. This measure goes to the full House for consideration but has not been scheduled for debate.

The three gun-control measures failed, as similar ones do every time they are raised in Pennsylvania's Legislature, on a nearly annual basis, with votes breaking largely along rural vs. urban lines.

WEST VIRGINIA SENATE APPROVES ANTI-STING "BLOOMBERG BILL"

Once again, the West Virginia Legislature has decided a private citizen enticing a gun dealer into selling a firearm illegally in a sting operation is guilty of a felony.

Known as the "Bloomberg bill," the measure is similar to one vetoed by Gov. Joe Manchin after this year's regular session on a technicality.

Pushed by numerous gun rights groups, the measure was named informally after New York Mayor Michael Bloomberg in reference to his use of private citizens to engage in sting operations outside his jurisdiction, notably in northern Virginia.

GUNS SAVING LIVES THROUGH SELF DEFENSE

● **Greenwood, Minnesota:** Two masked men entered the Lakeshore Market on State Highway 7 about 10:45 p.m. and tried to hold up the store. According to the South Lake Minnetonka Police Department, the store clerk opened fire, hitting one of the men. Police searched the area near the store and found "the wounded suspect with a firearm hunkered down" near the store, according to police. He was arrested and taken to Hennepin County Medical Center. The other suspect remains at large.

● **Stroudsburg, Pennsylvania:** Devin Tyler Ayala, 24, ripped a screen on a porch, climbed through and entered a Sarah Street home through a door. That set off an alarm, waking a 68-year old woman who had been sleeping on the couch on the first floor. She awoke, pushed past Ayala and screamed for help to her husband who had been sleeping upstairs. The husband, 74, came downstairs with a gun and kept Ayala in place until the Stroud Area Regional Police responded according to the police report. Ayala is charged with burglary, public drunkenness and disorderly conduct.

**GUNS SAVE
LIVES**

● **Bradenton, Florida:** A 74 year old man was in the bedroom of his home, located on 15 Street East in Bradenton, at about 11 PM when Lee Johnson, 39, forced his way inside. Johnson demanded money while beating the homeowner about the face with a club. Next, Johnson grabbed and attempted to fire a rifle that the homeowner kept next to his bed, but was unable to figure out how to disable the safety. When Johnson put the rifle down and started rummaging through the homeowner's closet for valuables to steal, the homeowner grabbed his rifle and fired in self defense, killing Johnson instantly and saving himself, according to police. Johnson was found dead at the scene, and the elderly resident was treated at a local hospital for his injuries.

● **Hazelwood, Missouri:** A man in his 50s was walking in the 3700 block of Dunn Road, near Cortena Drive, when another man, about 20 years old, came up to him, pulled a gun and demanded money. The robbery victim handed over his wallet. As the robber rifled through the wallet, the man who'd been robbed pulled his own gun and fatally shot the robber at about 8:40 p.m. He died at the scene, said Capt. Gregg Hall of the Hazelwood Police Department.

● **El Paso, Texas:** Mountain Park-area homeowners Paul Daw and Monica Daw were asleep and awoke to find a burglar who broke into their house in the master bedroom. They fought with him, police said. During the struggle, Paul Daw shot the man multiple times with a handgun. The unidentified burglar was taken to Beaumont Army Medical Center, where he later died, said police spokesman Darrel Petry. Police spokesman Detective Mike Baranyay said the couple's children were home during the break-in.

● **Rapid City, South Dakota:** Scott Parsons, 28, a pizza delivery man, was attacked and injured by two assailants, but he fought back, firing a pistol at them, according to a news release by the Pennington County Sheriff's Office. Deputies responded to a call of shots fired at 1980 Country Road about 10 p.m., where they found Parsons, who reported he had been attacked while making a pizza delivery in the area. Scott's injuries were not life-threatening, and he was taken to Rapid City Regional Hospital. Authorities say they have no confirmation that anyone was hit by Parsons' gunfire.

● **Paterson, New Jersey:** Phillip Jackson, 24, and his girlfriend were in his North Third Street basement studio apartment when someone knocked on the door about 12:20 a.m., said Paterson Police Lt. Ronald Humphrey. Thinking it was her mother – with whom she lives next door – the woman opened the door and found a man pointing a gun at her. He forced her inside and demanded money. Fearing for their lives, Jackson struggled for the weapon. Jackson was able to get the gun, shooting the man several times. Police found the man face-up in a bed with several gunshot wounds. He was pronounced dead at the scene, and the police were trying to confirm his identity. "Based on the evidence, no charges are being lodged against Mr. Jackson," Humphrey said.

● **Titusville, Florida:** 55-year-old Michael Peterson robbed Riverside Bank and an armed customer thwarted him, police said. The customer chased and caught Peterson and "split his face like a pinata" with the butt of his handgun, sending \$20 bills flying "all over the place." Police took Peterson to a local hospital and then jail.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Clarksburg, West Virginia:** Data released by the FBI's National Instant Criminal Background Check System (NICS) reported 1,146,912 checks in April 2010, ranking the month the second highest April for the most NICS checks. While being a 6.5 percent decrease from the 1,225,980 checks conducted in April 2009, it is an increase of 21.9 percent over checks in April 2008. The total number of background checks reported since the beginning of NICS is 114,827,284.

● **University Park, Pennsylvania:** The *Penn State Law Review* has published a paper titled "The Arms Trade Treaty: Zimbabwe, the Democratic Republic of the Congo, and the Prospects for Arms Embargoes on Human Rights Violators." Authors David B. Kopel, Paul Gallant and Joanne D. Eisen judge that the Arms Trade Treaty (ATT) would do nothing to remediate the conditions that have allowed so many arms to be acquired by human rights violators. "The ATT would have no more effective force than the embargoes that are already imposed by the U.N. Security Council." In short, it's just another failed international gun control move.

● **Lansing, Michigan:** A new Michigan State Police report shows that in the almost nine years since Michigan's "shall issue" concealed carry law was enacted, 227,468 Michigan residents have taken advantage of the law to obtain a Michigan Concealed Pistol License. This means that statewide about 1 in 43,829 people has a Michigan CPI.

● **New York City:** The silver-plated Colt .38 Special Al Capone bought in 1939 is for sale for \$95,000. Dealer Gary Zimet, who lists the revolver on MomentsInTime.com, said the historic pistol was inherited by Scarface's brother, Ralph "Bottles" Capone.

● **Newtown, Connecticut:** The National Shooting Sports Foundation (NSSF) - the trade association for the firearms industry - says that the most recent Department of the Treasury's *Firearms and Ammunition Excise Tax Collection Report*, firearm and ammunition manufacturers reported excise tax obligations to be \$439.5 million in calendar year 2009, up 27 percent compared to 2008. The report shows that \$120.5 million was due in taxes for pistols and revolvers, \$148.2 million for long guns and \$170.8 million for ammunition. Compared to calendar year 2008, collections were up 33 percent for handguns, up 34 percent for ammunition and up 17 percent for long guns.

● **Washington, D.C.:** Republican Rep. Mike Pence of Indiana told a National Rifle Association convention, "America doesn't need one more justice on the Supreme Court who is 'not sympathetic' to the constitutional rights of individual Americans." Brian Darling, the director of Senate relations for the conservative Heritage Foundation, said that the "burden has shifted to Elena Kagan to show that she is not hostile to the Second Amendment."

● **New York City:** The *Wall Street Journal's* Law Blog reports that during the Clinton Administration Kagan helped draft a presidential directive that suspended imports of semiautomatic firearms for 120 days. On the other hand, in written answers provided to senators during her confirmation as the Obama Administration's solicitor general, Kagan indicated her support of the Supreme Court's 2008 Heller decision, writing "There is no question, after Heller, that the Second Amendment guarantees Americans 'the individual right to possess and carry weapons in case of confrontation.'"

● **Chicago, Illinois:** The *Chicago Tribune's* James Oliphant reports: "According to records at the William J. Clinton Presidential Library in Little Rock, Ark., Elena Kagan drafted an executive order restricting the importation of certain semiautomatic assault rifles." When the ban was announced, Clinton staffer Jose Cerda stated, "We are taking the law and bending it as far as we can to capture a whole new class of guns." The import ban was made permanent in the spring of 1998.

● **Golden, Colorado:** David Kopel of the Independence Institute notes that White House Chief of Staff Rahm Emanuel defended the "assault weapon" ban on *The NewsHour with Jim Lehrer*, saying the banned guns were 'military weapons, not sporting weapons.' He said Clinton banned "the AK-47," which was pure nonsense. The AK-47 is a fully automatic rifle not covered by the import ban. Indeed, not one banned gun was.

Parting Shot

BUT WILL HE GET HIS GUN BACK?

The heroes of Chicago this month are an 80-year-old Korean War veteran and his wife, also 80, who were awakened at 5:20 a.m. by a bullet fired from the handgun of would-be home invader Anthony "Big Ant" Nelson, 29-year-old career thug with a 13-page rap sheet. The vet did the right thing: he shot the scumbag dead.

Chicagoans were delighted. Next door, Shaquite Johnson said the shooting means there is "one less criminal" walking the crime-ridden Garfield Park streets. News reports were filled with congratulations for the veteran's self-defense.

The trouble is, Chicago currently has a statute outlawing the possession of handguns, making the veteran a criminal. If the vet had obeyed that law, he and his wife - and his 12-year-old grandson, who was in their two-story house at the time - would be legally dead.

If the Second Amendment Foundation (SAF) has its way, Chicago's anti-gun law will soon be legally dead: their lawsuit *McDonald v. City of Chicago* asking that the Chicago handgun ban be struck down is being decided by the U.S. Supreme Court.

Legal experts, friend and foe alike, expect the high court to kill Chicago's gun ban. That will delight SAF, co-plaintiffs Illinois State Rifle Association and four Chicago residents, including Otis McDonald, for whom the case is named.

But what about the 80-year-old veteran? Chicago's prosecuting attorney has a duty to uphold the city's law. Will he prosecute a hero?

Probably not, because the State of Illinois passed a law in 2004 that shields citizens who use handguns in self-defense even when their communities ban handguns.

It's called the "Hale DeMar Act," after a man who shot a burglar in a town that had a handgun ban.

The town's prosecution of DeMar raised such a stink, lawmakers passed the law.

Here's the interesting part: your President and ours, the Honorable Barack Obama, was an Illinois State Senator at the time, and he voted against shielding citizens who shot back in self-defense. The bill passed anyway, on a 38-20 vote.

Gov. Rod Blagojevich vetoed the bill, but the Senate overrode his veto 40-18. Senator Obama cast not one but two votes against self-defense.

If you felt Candidate Obama was not quite telling the truth about supporting the Second Amendment, there was a reason. He would allow Chicago Mayor Richard Daley to prosecute the 80-year-old veteran who killed an armed felon in self-defense. Lying is too harsh for a President. Hypocritical is good enough.

If Chicago cops don't give the vet his gun back, he should ask his Commander In Chief to replace his sidearm lost in the line of duty.

Alan M. Gottlieb

Joseph D. Tartaro

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