

The Gottlieb-Tartaro Report

THE INSIDERS GUIDE FOR GUN OWNERS

Issue 236

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Dear Subscriber,

The Bipartisan Sportsmen Act (S. 2363), a pro-gun measure that would unlock funding to make it easier to hunt and fish on federal lands, allow the construction of more public shooting ranges at national parks and wildlife refuges and about a dozen other measures, was supposed to provide pro-gun cover for Democrat senators in tough re-election battles, but it was killed by anti-gun Democrats, even though it could lose them control of the Senate.

Sen. KAY HAGAN (D-NC), who faces one of the most challenging reelection fights this year, joined with Alaska Republican **Sen. LISA MURKOWSKI** as primary sponsors, along with 43 senators as co-sponsors - 25 Republicans and 18 Democrats - and the bill had already passed the U.S. House of Representatives.

**AT THE
FEDERAL
LEVEL**

The Senate had previously voted 82-12 to move the bill ahead, but it sank after senators from both parties tried to add controversial amendments - many of them involved with gun-control and gun-ownership rights. A total of 81 amendments were submitted on the bill, 55 by Republicans and 26 by Democrats.

Sen. HARRY REID (D-Nev.), the majority leader, allowed a motion to invoke cloture, which would stop debate before an agreement on amendments could be reached and allow a vote on the original bill, but the cloture vote lost by 41 yeas to 56 nays. No Republicans voted for cloture and would clearly not vote for the unamended bill. With no hope of passage, months of bipartisan work on the bill went for nothing. The bill is dead and Congress is on its month-long August recess and unlikely to revive the measure upon return.

President **BARACK OBAMA** has used Executive Order 13662 to effectively ban **AK-47s**, and other Kalashnikov Russian-made imports under the guise of punishing Russia with more sanctions for its Ukraine involvement. However, **AK-47s** have been a target of this administration and anti-gun Democrats, so the excuse seems lame.

The Treasury Department's Office of Foreign Assets Control placed Kalashnikov on its Sectoral Sanctions Identifications List, which stood out against a long list of blocked Russian oil and gas companies and banks.

The gun ban includes the import of parts and accessories, but does not require current owners to surrender their firearms.

Assistant Senate Majority Leader **Sen. DICK DURBIN (D-Ill)** took to the floor of the Senate to propose a mandatory 15 years in federal prison for a legal gun buyer who buys guns for disqualified persons who can't legally buy a gun. The proposal was seen as election year bluster unlikely to pass.

A bill introduced by **Rep. ROBIN KELLY (D-Ill)** asks the Federal Trade Commission "to prohibit any person from marketing firearms to any child who is less than 18 years of age."

It would also ban any merchandise containing firearm brand names including T-shirts, hats and stuffed animals.

Kelly's H.R. 5093, the Children's Firearm Marketing Safety Act, would also prohibit the "manufacturing of a gun with colors or designs that are specifically designed with the purpose to appeal to children."

The bill was referred to the House Committee on Energy and Commerce, where it is expected to quietly die.

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Also in this issue: ● West Virginia reciprocal with Nebraska ● Court overturns D.C. ban on guns in public ● Doctor shoots back at hospital shooter ● iGun madness in New Jersey in our Page 8 Parting Shot.

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Wisconsin Rep. **JIM SENSENBRENNER** is reportedly working on legislation that would dissolve the federal Bureau of Alcohol, Tobacco, Firearms and Explosives, merging the controversial agency into other federal departments. **SENSENBRENNER's** office noted that **ATF functions could be absorbed by other agencies such as the FBI and U.S. Marshals.**

SENSENBRENNER's plan found odd political bedfellows at the left-leaning **Center for American Progress, a Washington, D.C.-based think tank founded in 2003 by current White House special advisor JOHN PODESTA.** CAP policy analysts agree that **the ATF needs restructuring and it made sense to blend it into the FBI.**

The agency has been in the bull's eye over the past few years for such massive blunders as **Operation Fast and Furious and recent storefront sting operations in Wisconsin, Oregon and Florida.**

A new **Government Accountability Office report on the ATF** found an agency trying to redefine itself **while struggling with high personnel turnover and problems tracking its own criminal investigations.** The ATF received \$12 billion from Congress between 2003 and 2013.

More recently, **a series of botched undercover ATF storefront stings across the nation has made headlines.** The agency used people with mental disabilities to promote operations and then arrested them; opened storefronts by schools and churches, boosting their arrest numbers and penalties; **attracted juveniles** with free video games and alcohol; paid inflated prices for guns, **prompting people to buy new guns** and quickly sell them to agents for a profit; **allowed armed felons to leave** their fake stores; and openly **bought stolen goods,** spurring burglaries in surrounding neighborhoods.

In a congressional hearing, **ATF Director B. TODD JONES defended the agency,** saying people with mental disabilities were not targeted. **He said it was a mistake for agents to pay for two men, one with disabilities, to get tattoos promoting the ATF storefront on their necks.** A federal judge ordered the ATF to pay for the removal. The agency has stopped running the storefronts, and Jones vowed that they would not be done again unless they can be done correctly.

Rep. THOMAS MASSIE (R-Ky.) moved to block virtually all of the District of Columbia's gun restrictions. His budget amendment passed 241-181, leaving only federal law to regulate firearms in the nation's capital. The District's gun laws are among the strictest in the country, and they have long been a target for pro-gun activists.

The amendment would prevent the city from spending funds to enforce local gun laws, including registration and education requirements for gun owners, bans on "assault"-type rifles and high-capacity magazines, and strict limits on carrying guns outside the home.

Two important appropriations bills passed the House with pro-gun provisions. The first, the Fiscal Year 2015 Energy and Water Appropriations bill contained an amendment by **Rep. TOM GRAVES (R-Ga.)** which would **prohibit the use of funds for regulations that prevent law-abiding Americans from carrying firearms on property managed by the Army Corps of Engineers.**

Also, the FY 15 Interior Appropriations bill included a provision **protecting hunting, fishing and recreational shooting and access on public lands administered by the Bureau of Land Management and the Forest Service.**

Another provision **prohibited the Environmental Protection Agency from using funds to regulate the lead content of ammunition, ammunition components, or fishing tackle under the Toxic Substances Control Act.**

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CALIFORNIA GETS A NEW GUN CONTROL LAW

California Gov. Jerry Brown signed Assembly Bill 1964, by Assemblyman Roger Dickinson (D-Sacramento), to limit the exemption for single-shot pistols from the state's unsafe handgun roster, excluding semiautomatic pistols altered to not fire in semiautomatic mode. The California Association of Federal Firearms Licensees, which opposed the bill, said it will "further narrow California's already onerous and overly burdensome 'not unsafe' handgun roster and eliminate more firearms from the non-peace officer marketplace," according to a legislative analysis. The bill was passed in the Legislature largely on partisan lines, with Democrats in support and Republicans opposed. Brown, a Democrat, signed the measure without comment.

HUGE MASSACHUSETTS HOUSE AND SENATE GUN BILLS GO TO CONFERENCE

The Massachusetts Senate approved a sweeping overhaul of the state's gun laws similar to a previously passed House bill. It requires a web-based portal within the state Office of Public Safety allowing real-time background checks in private gun sales and would stiffen penalties for some gun-based crimes. It would also create a firearms trafficking unit within the State Police. A 28-11 Senate vote removed a provision giving local police chiefs more discretion over issuing firearms identification cards. Both bills require schools to have two-way communication devices with police and fire departments. The bills went to a six-member House - Senate conference committee to hammer out a single, compromise bill.

BALLOT MEASURE WOULD EXPAND GUN RIGHTS IN MISSOURI

Among five proposed constitutional amendments on Missouri's August ballot is Amendment 5, which asks, "Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is a unalienable right and that the state government is obligated to uphold that right?" If passed, the measure would strengthen the U.S. Constitution's Second Amendment by subjecting all of Missouri's gun laws to "strict scrutiny" in court cases, meaning the government would need a particularly good justification for infringing gun rights.

OHIO ORDINANCE WOULD STRICTLY LIMIT GUN BUYS AND CREATE REGISTRY

Cleveland gun control laws are set to become the strictest in the United States if the city council approves Mayor Frank Jackson's multi-pronged ordinance that includes a gun registry. Ultra-liberal Cleveland was recently selected as the 2016 Republican National Convention location, a big economic boon to the northern Ohio town, but that decision is getting backlash from gun owners and Second Amendment groups. The pro-gun Ohioans for Concealed Carry is already planning to file a lawsuit based upon the constitutionality of the Cleveland gun control law if the city council passes the ordinance.

WASHINGTON VOTERS SUPPORT COMPETING GUN INITIATIVES

Washington state voters face two gun-related ballot initiatives, one, Initiative 594, would broaden background checks on gun purchases online and at gun shows, another, I-591, would prohibit the state from conducting more background checks than the federal government requires - which does not include private sales - raising the possibility that voters could approve two contradictory ballot initiatives. Gun control advocates and gun rights supporters both succeeded in collecting enough signatures to qualify both measures. An Elway Poll showed 70 percent of Washington voters backing I-594, compared with 22 percent opposing, while 46 percent backed I-591, while 42 percent opposed it. Both could pass.

WEST VIRGINIA AND NEBRASKA APPROVE CONCEALED HANDGUN AGREEMENT

West Virginia has signed a concealed handgun reciprocity agreement with Nebraska, according to an announcement by West Virginia Attorney General Patrick Morrisey. Under the agreement, each state will honor a valid concealed carry permit issued by the other. Morrisey said Nebraska previously recognized concealed handgun licenses issued by West Virginia, and now it's reciprocal. West Virginia now has full reciprocity agreements with 31 states, with seven added since July 2013. Five more states honor West Virginia permits, but their concealed carry licenses are not currently recognized by West Virginia.

IN THE STATES

FEDERAL JUDGE OVERTURNS WASHINGTON DC BAN ON GUNS IN PUBLIC

A federal judge ruled that the ban on citizens carrying handguns in public in the US capital is unconstitutional. The long-awaited victory in *Palmer v. District of Columbia* is "one more important step toward firearms freedom," the Second Amendment Foundation said after reviewing the ruling, which the District of Columbia reportedly plans to appeal. "We will take all necessary steps to defend our victory," vowed SAF founder and Executive Vice President Alan M. Gottlieb. In a 19-page opinion, Judge Frederick Scullin ruled that "there is no longer any basis on which this Court can conclude that the District of Columbia's total ban on the public carrying of ready-to-use handguns outside the home is constitutional under any level of scrutiny."

FEDERAL COURT UPHOLDS FLORIDA'S "DOCS VS. GLOCKS" LAW

A Florida law limiting what doctors can tell patients about guns was ruled constitutional by a federal appeals court in a 3-1 decision, saying it legitimately regulates professional conduct and doesn't violate the doctors' First Amendment free speech rights. "The act simply codifies that good medical care does not require inquiry or record-keeping regarding firearms when unnecessary to a patient's care," states the opinion written by U.S. Circuit Judge Gerald Tjoflat.

**IN THE
COURTS**

GUN-RIGHTS GROUP CHALLENGES INTERSTATE LIMITS ON PURCHASES

The Citizens Committee for the Right to Keep and Bear Arms and a North Texas dealer filed a lawsuit in U.S. District Court in Fort Worth, asking why federal law allows Americans to purchase rifles and shotguns across state lines but not handguns, arguing that the restriction "reduces competition, raises prices and limits consumers' choice." Arlington retailer Fredric Mance Jr. and two Washington, D.C., residents are also part of the suit by the Washington state-based group.

FEDERAL COURT UPHOLDS MULTIPLE RIFLE SALE REPORTING

The 10th Circuit Court of Appeals has upheld the ATF's authority requiring federal firearms licensees located in the Southwest border states to report multiple sales of certain semiautomatic rifles. The 10th Circuit concluded that the ATF neither exceeded its statutory authority nor engaged in arbitrary and capricious action by mandating this additional record information.

SUPPLEMENTAL BRIEFS FILED IN SAF'S CALIFORNIA PENA CASE

Responding to the court's request for additional information in the Second Amendment Foundation's case of *Pena v. Lindley*, a lawsuit challenging requirements that include microstamping and magazine disconnects, attorney Alan Gura filed a supplemental brief including an additional declaration by Lawrence G. Keane, secretary and general counsel to the Sporting Arms and Ammunition Manufacturers' Institute.

MARYLAND GUN LAW DEBATED IN FEDERAL COURT

Gun advocates in federal court contend Maryland's 2013 ban on certain semi-automatic weapons deprives law-abiding citizens of their constitutional right to possess some of the most popular and commonly used guns for recreation and protection. Gun advocate lawyer John Parker Sweeney argued before Federal Judge Catherine Blake that the Maryland General Assembly didn't consider an alternative to a ban nor tailor the law to make it narrow and less harmful.

JUDGE HEARS CHALLENGE TO COUNTY GUN CONTROL LAWS

Does Multnomah County have the right to enforce its gun control laws in cities within its borders? Multnomah County Circuit Judge Kathleen Dailey heard arguments both for and against in a lawsuit against the county. The suit claims the county exceeded its authority with the ordinance. Bruce McCain, attorney for the plaintiffs, said local government control is the main issue. McCain said Multnomah wants to be a "super county" to impose its will on incorporated areas.

NEW JERSEY SUPREME COURT WON'T HEAR SECOND AMENDMENT CASE

The New Jersey Supreme Court has scrapped its plans to hear a challenge to an N.J. gun-control law. In the case of Richard Pantano, the state's Supreme Court agreed in July of 2013 to decide whether the state's requirement of "justifiable need" to carry a handgun violates the Second Amendment. But when the U.S. Supreme Court refused to review the "justifiable need" concept in another case, the N.J. high court overturned itself, and dismissed the Pantano appeal.

APPEALS COURT DENIES REHEARING ON CALIFORNIA BAY AREA AMMUNITION BAN

The 9th Circuit Court of Appeals has denied the petition for rehearing and petition for en banc rehearing in Jackson v. San Francisco. The denial allows to stand two San Francisco ordinances banning certain kinds of ammunition. Gun owners and organizations filed a lawsuit against the city seeking to enjoin enforcement of the two ordinances on Second Amendment grounds. A federal trial court denied this request and the denial was affirmed by a three-judge panel of the 9th Circuit.

TEXAS GUN RIGHTS GROUP WINS RIGHT TO HAND OUT PRO-GUN LEAFLETS

U.S. District Judge Reed O'Connor has granted a temporary restraining order preventing Arlington, Texas from enforcing an ordinance that Open Carry Tarrant County says violates its free speech rights by stopping them from handing out pro-gun printed material. The judge ruled that the ordinance restricts the group's First Amendment rights and Arlington must allow the handouts.

AFTER PUBLISHING GUN PERMIT INFO, CITY SETTLES CLASS ACTION FOR \$1.4 MILLION

IN THE COURTS

The city of Philadelphia thought publishing the names of people whose gun permits were denied or revoked would increase transparency – instead it led to a million-dollar lawsuit. The city settled the class-action lawsuit on violating confidentiality for \$1.425 million with approximately 3,265 permit applicants.

CONCEALED CARRY GROUPS SUE OHIO STATE UNIVERSITY FOR VIOLATING STATE LAW

The Students for Concealed Carry Foundation, teaming with Ohioans for Concealed Carry, filed a civil rights complaint against Ohio State University, alleging OSU is violating state law by regulating firearms, by barring students from having guns in their cars, when only the state can do so, "exposing the State of Ohio to civil liability," according to the complaint.

LOUISIANA SUPREME COURT RULES NO GUN RIGHTS FOR FELONS

GA Louisiana law barring convicted felons of possessing firearms doesn't conflict with the state's constitutionally guaranteed right to bear arms, Louisiana's Supreme Court decided. Three convicted felons filed motions to dismiss charges of firearm possession, arguing that despite state law, it was their constitutional right. The Louisiana Supreme Court ruled against the felons, but cited no constitutional reason to uphold the statute, only stating that felons are dangerous.

BRADY GUN CONTROL OUTFIT SUES KANSAS GOVERNOR OVER GUN RIGHTS LAW

The Brady Campaign to Prevent Gun Violence sued Kansas Governor Sam Brownback and the state's attorney general, challenging a state law on the grounds that it violates the U.S. Constitution by nullifying federal laws. The law says that firearms made in Kansas are not subject to any federal law or regulation, including a gun or ammunition registration program. It also provides a nullification clause, holding any laws violating the Second Amendment "void and unenforceable."

FLORIDA SUPREME COURT TO WEIGH IF FELONS CAN STAND THEIR GROUND

The Florida Supreme Court will consider whether convicted felons have the right to claim immunity under the state's "stand your ground" self-defense law. Felons may not possess guns under Florida law, but stand-your-ground cases have ruled for and against felons using guns for self defense, and the state high court agreed to resolve the conflict.

WISCONSIN MAN UNLAWFULLY FIRED FOR HAVING GUN IN HIS CAR

Wisconsin Carry has funded a lawsuit on behalf of a Wausau man who was unlawfully terminated after verifying to a Human Resources Manager that he had a lawfully carried gun in his personal vehicle. Wisconsin law does not allow employers to prohibit employees with valid concealed carry licenses from keeping a gun in their personal vehicles even when parked on company property.

WASHINGTON MAN NOT RESPONSIBLE FOR ACCIDENTAL SHOOTING

A Bremerton man previously convicted of assault for his stepson's accidental shooting of a classmate with his pistol has been cleared by the state Supreme Court. The high court found that Douglas Bauer shouldn't have been convicted of assault after his girlfriend's then-9-year-old son accidentally shot a classmate with his handgun. "Bauer's decision to keep loaded weapons around the house is not, in itself, a crime in this state," Justice Sheryl Gordon McCloud wrote.

GUN NEWS TICKER - QUICK TAKES ON THE NEWS

● **Accokeek, Maryland:** Beretta U.S.A. will move all of its manufacturing out of Maryland to a new factory in Tennessee, the company announced after protesting last year. The company met with employees to tell them that 160 manufacturing and related jobs would move. That new plant will be an expansion for the company and may eventually employ 300 people, said Jeff Reh, Beretta's general counsel.

● **Greenburgh, New York:** The Westchester Police Revolver and Rifle League, a nonprofit open-air range dating to the 1940s, was targeted by neighbors who wanted the facility closed. It was forced to close its doors after more than 70 years in business, following a bitter dispute with its neighbors over noise and safety issues. Those opposed got their wish when Con Edison, which owns the land used by the shooting range, said it is terminating the nonprofit's lease.

● **Boise, Idaho:** Boise State University officials say they will rescind the security fines they placed on a student group for bringing a gun rights advocate earlier this year to speak at the campus. However, university attorney Kevin Satterlee says BSU will not change its event policies. Satterlee says the university charged Young Americans for Liberty \$465 for the May event after seeing a community member encourage attendees to bring weapons on campus. The ACLU and Freedom Foundation has described the university's event policies unconstitutional and threatened to sue unless they were amended.

● **Detroit, Michigan:** Police Chief James Craig said lawbreakers are getting the message that armed Detroiters are fed up with crime and have developed itchy trigger-fingers. Detroit has experienced 37 percent fewer robberies in 2014 than during the same period last year, 22 percent fewer break-ins of businesses and homes, and 30 percent fewer carjackings. Craig attributed the drop to better police work and criminals being reluctant to prey on citizens who may be armed.

● **Tucson, Arizona:** Gabby Giffords and Mark Kelly's gun control group, Americans for Responsible Solutions (ARS), raised \$2.1 million in the second quarter of 2014. The filing shows "notable contributions" from DreamWorks (movies) CEO Jeffrey Katzenberg (\$25,000), John Allan Soros (\$5,000), Jennifer Allan Soros (\$5,000), and The Weinstein Company, LLC (movies) (\$5,000). They also received thousands from Representative Nancy Pelosi's (D-CA) House Majority PAC.

● **Swarthmore, Pennsylvania:** A new report by the Crime Prevention Research Center (CPRC) reveals more than 11.1 million Americans now possess concealed carry permits and licenses, more than double the estimated 4.6 million who had licenses in 2007. Yet with all of these millions of legally-armed citizens in the United States, the FBI Uniform Crime Report data shows that homicides are down. That includes murders involving firearms.

● **Minneapolis, Minnesota:** Within three days of a new policy asking customers not to bring their guns to Target stores, reports have surfaced of armed attacks on customers. Two Target shoppers at two different stores in Georgia have been robbed by armed thugs since the discount retailer announced that it would "respectfully request" that customers leave their guns at home.

● **Washington, D.C.:** Everytown for Gun Safety, the gun-control group founded by former New York Mayor Michael Bloomberg will begin to survey all congressional candidates in the 2014 midterm elections on firearms issues. The move is aimed at making Bloomberg's group a political counterweight to the National Rifle Association.

● **Asbury Park, New Jersey:** Support for stricter gun control laws is up slightly from March's recent low, but voters still feel much more strongly that there needs to be stricter enforcement of laws already on the books. A new Rasmussen Reports national telephone survey shows that 46% of Likely Voters believe the United States needs stricter gun control laws. That's up six points from March but similar to findings for much of last year. Slightly more (48%) still oppose stricter gun control laws.

FOUR TEEN HOME INVADERS PICK THE WRONG HOME

Four teenage home invaders quickly learned they had chosen the wrong house to break into in Clayton County, Georgia. The teens tried to break into an apartment building at Laurel Park Apartments on Highway 85 in Clayton County just after 3am. The first home invaders encountered an armed resident inside the home who opened fire on them, striking one of the suspects in the abdomen. The four teens then fled to a nearby apartment where they called for medical attention. The armed resident also called police. Police were quickly able to locate the suspects and take them into custody. The injured teen is being treated at an area hospital.

SON DID WHAT HAD TO BE DONE

Benjamin Beaudoin, 34, of Mendota Heights was suffering from extreme paranoia and was forced entry to a far northern Minnesota home early one morning but the mother heard him break the lock, grabbed his shotgun and confronted Beaudoin, striking him with the gun stock.

Wounded but still able to drive, Beaudoin fled in his vehicle about 8 miles southeast and showed up at a home near Ray, Minnesota. He told the homeowner, 72-year-old Ethel Himes, that he had been assaulted. When Himes let him in-

GUNS SAVE LIVES

side, he threw her onto the living-room floor, and beat her head on the floor. Himes, 48, Ethel's son, came upon the struggle and went to the bedroom for a handgun. Beaudoin followed the son and shot him, prompting Brad Himes to shoot the intruder. A police officer's deputy gave first aid to Beaudoin, who died at Rainy Lake Medical Cen-

"I'm the son who did what had to be done," said Brad, who came to the rescue of his mother. He said the Himes family had never before seen Beaudoin, who was in out of the state to attend a wedding.

DOCTOR FIRED BACK AT GUNMAN IN HOSPITAL ATTACK

A patient in his mid-30s, Richard Plotts, resident of Upper Darby, entered FitzGerald Hospital, a 204-bed community teaching hospital just southwest of Philadelphia. He and an accompanying caseworker went into a psychiatric doctor's office.

After the door of the office was closed, staff members heard loud arguing. They opened the door and saw that the patient had a gun pointed at the doctor. The doctor closed the door and dialed 911. Gunshots were heard a short time later, just after 2:30 p.m.

Plotts emerged from the office, and another doctor and another caseworker wrestled him to the floor of the hallway and grabbed his weapon, Whelan said. By that point he had already been severely wounded from several shots, Whelan said. "They acted vigilantly. They acted bravely," he said.

Whelan, a psychiatrist, was grazed by Plott's gunfire but helped stop the gunman by using his own weapon to shoot and wound him, but not before the caseworker was killed, Whelan said. District Attorney Jack Whelan while investigating the incident.

Police Chief Donald Molineux said that "without a doubt, I believe the doctor saved lives. Without that firearm, this guy (the patient) could have gone out in the hallway and just walked down the offices until he ran out of ammunition," the chief said. The dead caseworker was identified as a 53-year-old Philadelphia woman.

MED WOMAN HALTS A CARJACKING, SHOOTS A THUG AND BREAKS A TEEN CRIME RING

Victoria Davison had just parked her vehicle in Milwaukee, Wisconsin when two teens - a 15-year-old and a 17-year-old - approached and ordered her to hand over her keys. Then one of the teens said, "Go get the cannon," meaning a gun. But Davison had a "cannon" of her own and pulled it out of her gym bag. She fired, hitting the 17-year-old. "I shot the one that was in front of me. The one in the back of me, said a curse word, and then he looked at his friend, and then he ran off while his friend was on the ground," said Davison. "I mean he's 15, but he's making adult decisions," said Davison, a concealed carry permit holder. The teen is currently in poor condition at a Milwaukee hospital and is in police custody. In bringing down the attempted carjackers, police believe Davison helped expose a rash of crimes

committed by the two teens and their friends.

Parting Shot

GUN MADNESS IN NEW JERSEY

Earlier this year, a 27-year-old medical professional named Shaneen Allen drove peacefully out of her home state of Pennsylvania and into neighboring New Jersey. Her story was told in *The National Review* and My9NJ.com:

Today, Allen faces the prospect of three years in prison. Why? When she crossed the state line, Allen was carrying a concealed weapon.

Allen wanted to protect her family. She took a gun safety course, applied for and was granted a concealed carry permit and she purchased a gun. "One of my family members, he thought it was appropriate for me to get one because I'm a single mother and I have two children and I work two jobs and I work late and getting up at that time of night I got robbed twice last year and he felt the need for me to get my license to protect me and my kids," Allen explained.

Pulled over near the border by New Jersey police for an "unsafe lane change," Allen informed officers that she was carrying a pistol. Her honesty landed her in serious trouble. Immediately, she was arrested and charged with both illegal possession of a firearm and possession of hollow-point ammunition.

Under New Jersey gun laws, the illegal possession of a gun is a second-degree felony which holds a minimum sentence of three-years in prison.

Allen's Attorney Evan Nappen feels that the judge doesn't have a lot of discretion in this particular case.

"We're talking about a law-abiding, licensed person who did nothing wrong. She is now facing three-years minimum mandatory, where the judge has no discretion, in state's prison," he said.

Allen has no criminal record and only owned the gun for a week.

"The prosecutor has complete discretion in this case," Nappen explains. "He could drop the charges. He could downgrade the case and send it to municipal court to be treated as a misdemeanor."

New Jersey has a program called "Pretrial Intervention," which is designed, Nappen contends, for "circumstances exactly like Allen's," and avoids jail time.

Allen applied for the program, and was quickly approved. But prosecutors refused to sign off, agitating for jail time instead.

The case is still moving forward but the question remains, will New Jersey's draconian prosecutors take a young woman who wanted protection from criminals and instead turn her into one?

Alan M. Gottlieb

Joseph D. Tartaro

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